UNITED STATES PATENT AND TRADEMARK OFFICE

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

MATTINGLY & MALUR, P.C.
1800 DIAGONAL ROAD
SUITE 370
ALEXANDRIA VA 22314

COPY MAILED

NOV 2 0 2009

OFFICE OF PETITIONS

In re Application of :
Shiba et al. :
Application No. 10/844,375 : DECISION ON PETITION
Filed: May 13, 2004 :
Attorney Docket No. KAS-206 :

This is a decision on the petition, filed August 12, 2009, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This above-identified application became abandoned for failure to file a response to a Notice of Non-Complaint Amendment, which was mailed on August 18, 2008. The Notice of Non-Complaint Amendment set an extendable one (1) month period for reply. No timely request for extension of time was obtained under the provisions of 37 CFR §1.136(a). Accordingly, this application was held abandoned on September 19, 2008. This decision precedes the mailing of a Notice of Abandonment.

Petitioner asserts that the Notice of Non-Complaint Amendment dated August 18, 2008 was not received.

A review of the written record indicates no irregularity in the mailing of the Office action, and, in the absence of any irregularity, there is a strong presumption that the Office action was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. In this regard, the showing required to establish the failure to receive the Office action must consist of the following:

1. a statement from practitioner stating that the Office action was not received by the practitioner. The statement should also describe the system used for recording an Office action received at the correspondence address of record and establish that the docketing system was sufficiently reliable;

2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and

3. a copy of the master docket for the firm docket record where the nonreceived Office action would have been entered had it been received must be attached to and

> referenced in the practitioner's statement. If no master docket exists, the practitioner should so state and provide other evidence such, as but not limited: to the application file jacket, incoming mail log; calendar; reminder system or individual docket record for the application in question

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

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

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

This application is being referred to the Technology Center technical support staff of Art Unit 1797 for remailing the Notice of Non-Compliant Amendment action of August 18, 2008 and resetting the period for reply.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ERIC ROBINSON
PMB 955
21010 SOUTHBANK ST.
POTOMAC FALLS, VA 20165

MAILED

SEP 25 2009

OFFICE OF PETITIONS

In re Application of :
Masaaki HIROKI, et *al.* :
Application No. 10/844,393 : DECISION GRANTING PETITION
Filed: May 13, 2004 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **0756-7309** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed September 23, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on August 14, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied . towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 2629 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

STEVEN S PAYNE
1101 17TH STREET NW
WASHINGTON DC 20036

COPY MAILED

JAN 05 2009

OFFICE OF PETITIONS

In re Application of	:	
Jan-Ove Persson	:	
Application No. 10/844,409	:	ON PETITION
Filed: May 13, 2004	:	
Attorney Docket No.	:	

This is in response to petition to revive an unintentionally abandoned application under 37 CFR 1.137(b), filed December 11, 2008.

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

The above-identified application became abandoned for failure to timely file a proper response to the final Office action mailed July 24, 2007, which set a shortened statutory period for reply of three (3) months. Applicant filed a Notice of Appeal, together with a three month extension of time, on January 25, 2008. However, the Notice of Appeal did not contain a timely Certificate of Mailing. As such, the last day it could have been filed would have been January 24, 2008. Accordingly, the application became abandoned on January 25, 2008. The Office mailed a Notice of Abandonment on June 25, 2008.
With the instant petition, applicant paid the petition fee and made the proper statement of unintentional delay. The required reply in the form of a Notice of Appeal was previously filed on January 25, 2008.

Please be advised that the two month period for filing an appeal brief (accompanied by the fee required by 37 CFR 1.17(c)) runs from the date of this decision.

The matter is being returned to Group Art Unit 3771 to await for applicant's submission of the appeal brief.

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

OLIFF & BERRIDGE, PLC
P.O. BOX 19928
ALEXANDRIA, VA 22320

COPY MAILED

JUL 12 2006

OFFICE OF PETITIONS

In re Application of :
Atsushi Ogawa :
Application No. 10/844,427 : ON PETITION
Filed: May 13, 2004 :
Attorney Docket No. 119117

This is a decision on the petition filed, July 12, 2006 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on June 21, 2006 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This matter is being referred to Technology Center AU 2612 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

Irvin Dingle
Petitions Examiner
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

COPY MAILED

NOV 16 2006

OFFICE OF PETITIONS

In re Application of	:	
Robert J. Leo	:	
Application No. 10/844,430	:	ON PETITION
Filed: May 13, 2004	:	
Attorney Docket No. 22093.00	:	

This is a decision on the petition under 37 CFR 1.313(c)(3), filed November 15, 2006, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

Petitioner requests 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 Application No. 11/559,279, a continuing application under 37 CFR 1.53(b) filed November 13, 2006.

Telephone inquiries should be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

COPY MAILED

NOV 0 7 2008

OFFICE OF PETITIONS

In re Application of :
Kun-Ta Wu et al :
Application No. 10/844,452 : DECISION ON PETITION
Filed: May 13, 2004 :
Attorney Docket No 3313-1174PUS1 :

This is a decision on the petition, filed July 28, 2008, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment and a petition under 37 CFR 1.137(b) to revive the above-identified application.

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

This application was held abandoned for failure to timely pay the issue and publication fees on or before June 12, 2008, as required by the Notice of Allowance and Fee(s) Due (Notice), mailed March 12, 2008.

The PTOL-85 Fee Transmittal received on June 11, 2008 box 4b was not check and the Deposit Account No. 02-2448 was not provided. However, Office record show the post card receipt was date stamped by the USPTO on June 11, 2008 with the deposit account No. 02-2448. Accordingly, this application was not abandoned in fact.

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

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

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

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

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

COPY MAILED

DEC 0 3 2008

OFFICE OF PETITIONS

In re Application of :
Kun-Ta Wu et al :
Application No. 10/844,452 : DECISION ON PETITION
Filed: May 13, 2004 :
Attorney Docket No 3313-1174PUS1 :

CORRECTED DECISION

This is a decision on the petition, filed July 28, 2008, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment and a petition under 37 CFR 1.137(b) to revive the above-identified application.

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

This application was held abandoned for failure to timely pay the issue and publication fees on or before June 12, 2008, as required by the Notice of Allowance and Fee(s) Due (Notice), mailed March 12, 2008.

The PTOL-85 Fee Transmittal received on June 11, 2008 box 4b was not check and the Deposit Account No. 02-2448 was not provided. The Issue fee payment must be provided on the Issue fee transmittal form. A petition for extension of time with the account number cannot be used for an Issue Fee application. Therefore, the petition is dismissed.

The petition under 37 CFR 1.137(b) 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 payment of the Issue fee and publication fee; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the issue fee is accepted as having been unintentionally delayed.

The decision mailed November 7, 2008 is hereby vacated as of the mail date of this decision.

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

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

Irvin Dingle
Petitions Examiner
Office of Petitions

Pet. Dec.

PTO/SB/83 (06-03)
Approved for use through 11/30/2005. OMB 0651-0035
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT

Application Number	10/844,461
Filing Date	05/13/2004
First Named Inventor	Manner, D. Lee
Art Unit	1732
Examiner Name	Stephen Lechert
Attorney Docket Number	T8464265US1 Approved

JMStone
Jacqueline M. Stone, Director
Technology Center 1700
5/9/05

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

I hereby apply to withdraw as attorney or agent for the above identified patent application.

The reasons for this request are:

The Applicant and the Agents of Record are unable to agree upon a mutually satisfactory financial arrangement with respect to future services.

CORRESPONDENCE ADDRESS

1. ☐ The correspondence address is NOT affected by this withdrawal.
2. ☒ Change the correspondence address and direct all future correspondence to:

☐ Customer Number

OR

☒ Firm or Individual Name	D. Lee Manner				
Address	17 Beaver Crescent				
Address					
City	North Bay	State	Ontario	ZIP	P1A 3N1
Country	Canada				
Telephone	705-472-8127	Fax			

☒ This request is made on behalf of myself 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

This request is enclosed in triplicate (including any attachments).

Name	Mark W. Sajewycz		
Signature		Registration No.	52,525
Date	January 24, 2005		

NOTE: Withdrawal is effective when approved rather than when received. Unless there are at least 30 days between approval of withdrawal and the expiration date of a time period for response or possible extension period, the request to withdraw is normally disapproved.

This collection of information is required by 37 CFR 1.36. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you are required 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 [illegible] P.O. Box 1450, Alexandria, VA 22313-1450.

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
10/844,476	05/12/2004	Matthew Vacek	1470.003US2

CONFIRMATION NO.
6183

Schwegman, Lundberg, Woessner & Kluth, P.A.
P.O. Box 2938
Minneapolis MN 55402

Date Mailed: September 29, 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 September 28, 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 March 25, 2004, in compliance with 35 U.S.C. 122(b), the publication number is US20040057566A1, 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MATTINGLY, STANGER, MALUR &
BRUNDIDGE, P.C.
1800 Diagonal Road
Suite 370
Alexandria, VA 22314

MAILED

DEC 15 2005

Technology Center 2100

In re Application of:
Y. NAGASOE et al.
Application No. 10/844,482
Filed: May 13, 2004
For: STORAGE SYSTEM AND COMPUTER SYSTEM

DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the petitions, filed on November 03, 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.

Applicant's submission of November 03, 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

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

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

MAILED

31 MAY 2006

In re Application of
Koji IKEDA, et al.
Application No. 10/844,492
Filed: May 13, 2004
For: **COMMUNICATION TERMINAL DEVICE, METHOD, PROGRAM, RECORDING MEDIUM, AND INTEGRATED CIRCUIT FOR USE IN COMMUNICATION NETWORK SYSTEM**

DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the petition filed May 19, 2006 under Manual of Patent Examination Procedure §708.02, VIII requesting accelerated examination.

The petition under Manual of Patent Examination Procedure §708.02, VIII, must:

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

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

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

Krista Zele
Special Program Examiner
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

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

PLASMAGENE LIMITED
5/F, CLUB LUSITANO
16 ICE HOUSE STREET, CENTRAL
HONG KONG HK HONG KONG

COPY MAILED

SEP 1 4 2005

OFFICE OF PETITIONS

In re Application of :
Wah Hin Alex Yeung :
Application No. 10/844,527 : ON PETITION
Filed: May 13, 2004 :
Attorney Docket No. None :

This is a decision on the petition under 37 CFR 1.137(b), filed May 23, 2005, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for a failure to timely respond to a Notice to File Corrected Application Papers mailed July 16, 2004. The notice required a replacement abstract in compliance with 37 CFR 1.72(b) and 37 CFR 1.121, an initial computer readable form CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing. On April 13, 2005, a Notice of Abandonment was mailed.

The petition is found to comply with the requirements of 37 CFR 1.137(b).

The application is being referred to the Office of Initial Patent Examination (OIPE) for review of the response filed May 23, 2005.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to OIPE processing should be directed to their hotline at (571) 272-4000.

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

NOV - 4 2004

DRINKER BIDDLE & REATH
ONE LOGAN SQUARE
18TH AND CHERRY STREETS
PHILADELPHIA PA 19103-6996

In re Application of	:
James Johnson	:
Serial No.: 10/844,535	: PETITION TO MAKE SPECIAL
Filed: May 13, 2004	:
Attorney Docket No.: 192311	:

This is in response to applicants' petition filed September 13, 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/844,568	04/30/2004	1744	920	KCX-836(18430)	4	20	3

CONFIRMATION NO. 6042

Dority & Manning, P.A.
P.O. Box 1449
Greenville, SC 29601

UPDATED FILING RECEIPT

OC000000014387132

Date Mailed: 11/18/2004

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)

Michael S. Brunner, Roswell, GA;
Jason Lye, Atlantic, GA;
Teri Taylor Kish, Roswell, GA;
Jeff E. Fish, Dacula, GA;

Power of Attorney: None

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 07/14/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/844,568

Projected Publication Date: 11/03/2005

Non-Publication Request: No

Early Publication Request: No

Title

Activatable cleaning products

Preliminary Class

015

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

GRANTED

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

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

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

NOT GRANTED

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DATE: April 8, 2008
TO: Certificates of Correction Branch
FROM: Diane I. Lee
SPE, Art Unit 2851
SUBJECT: REQUEST FOR CERTIFICATE OF CORRECTION

Please issue a Certificate of Correction in U. S. Letters Patent No. 7,352,434 as specified on the attached Certificate.

Diane I. Lee, SPE
Art Unit 2851

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE

Patent No. 7,352,434
Patented: 04/04/2008

On petition requesting issuance of a certificate for correction of inventorship pursuant to 35 U.S.C. 256, it has been found that the above identified patent, through error and without deceptive intent, improperly sets forth the inventorship. Accordingly, it is hereby certified that the correct inventorship of this patent is:

BOB STREEFKERK
JOHANNES JACOBUS MATHEUS BASELMANS
HENRIKUS HERMAN MARIE COX
ANTONIUS THEODORUS ANNA MARIA DERKSEN
SJOERD NICOLAAS LAMBERTUS DONDERS
CHRISTIAAN ALEXANDER HOOGENDAM
JOERI LOF
ERIK ROELOF LOOPSTRA
JEROEN JOHANNES SOPHIA MARIA MERTENS
FRITS VAN DER MEULEN
JOHANNES CATHARINUS HUBERTUS MULKENS
GERARDUS PETRUS MATTHIJS VAN NUNEN
KLAUS SIMON
BERNARDUS ANTONIUS SLAGHEKKE
ALEXANDER STRAAIJER
JAN-GERARD CORNELIS VAN DER TOORN
MARTIJN HOUKES

Diane I. Lee
Supervisory Patent Examiner
Art Unit 2851

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/844,575	05/13/2004	Bob Streefkerk	081468-0309421	6082

909 7590 04/09/2008
PILLSBURY WINTHROP SHAW PITTMAN, LLP
P.O. BOX 10500
MCLEAN, VA 22102

EXAMINER	
NGUYEN, HUNG	
ART UNIT	PAPER NUMBER
2851	

MAIL DATE	DELIVERY MODE
04/09/2008	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

In re Patent No. STREEFKERK ET AL.
Issue Date: 04/01/2008
Appl No.: 10/844,575
Filed: May 13, 2004
For: LITHOGRAPHIC APPARATUS AND DEVICE MANUFACTURING METHOD

DECISION GRANTING PETITION
37 CFR 1.324

This is a decision on the petition under 37 CFR 1.48, filed April 7, 2005. In view of the fact that the patent has already issued, the request under 37 CFR 1.48 has been treated as a petition to correct inventorship under 37 CFR 1.324.

The petition is granted.

The patented file is being forwarded to Certificate of Corrections Branch for issuance of a certificate naming only the actual inventor or inventors.

Diane I. Lee
Supervisory Patent Examiner
Art Unit 2851
Patent Examining Group 2800

PILLSBURY WINTHROP SHAW PITTMAN, LLP
P.O. BOX 10500
MCLEAN, VA 22102

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COPY MAILED

DEC 16 2009

OFFICE OF PETITIONS

DAVID AND RAYMOND PATENT FIRM
108 N. YNEZ AVE., SUITE 128
MONTEREY PARK, CA 91754

In re Application of :
Wanda Ying LI :
Application No. 10/844,601 : DECISION ON PETITION
Filed: May 11, 2004 : UNDER 37 CFR 1.137(b)
Attorney Docket No. **CIP2380A-WYL** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 13, 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, January 29, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on April 30, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $810; and (3) an adequate statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Monica A. Graves at (571) 272-7253.

This application is being referred to Technology Center AU 3636 for appropriate action by the Examiner in the normal course of business on the reply received October 13, 2009.

Brian W. Brown
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Martin S. High
P.O. Box 217
Stillwater, OK 74076

COPY MAILED

JUL 24 2008

In re Application of	:	
Thomas Leslie Layne, Jr.	:	
Application No. 10/844,632	:	DECISION ON PETITION
Filed: May 13, 2004	:	TO WITHDRAW
Attorney Docket No. Layne2004	:	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 27, 2008.

The request is **APPROVED**.

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

The request was signed by Martin S. High 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 Thomas L. Layne, Jr. at the address indicated below.

There is an outstanding Office action mailed March 31, 2008 that requires a reply from the applicant.

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

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Mr. Thomas L. Layne, Jr.**
2709 London Lane
Enid, OK 73703-3129.

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
10/844,632	05/13/2004	Thomas Leslie Layne JR.	Layne2004

CONFIRMATION NO. 6886

27059
MARTIN S. HIGH
P.O. BOX 217
STILLWATER, OK 74076

POWER OF ATTORNEY NOTICE

OC000000031146190

Date Mailed: 07/23/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/27/2008.

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

/tswilliams/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW
WASHINGTON DC 20004

COPY MAILED

FEB 07 2008

OFFICE OF PETITIONS

In re Application of :
Reyes :
Application No. 10/844,649 : DECISION ON PETITION
Filed: May 12, 2004 :
Attorney Docket No. 060999-0177 :

This is a decision on the petition, filed December 17, 2007 which is being treated as a petition under 37 CFR 1.181 (no fee), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Office action of June 4, 2007, which set a three (3) month shortened statutory period for reply. A reply was due on or before September 4, 2007.

Petitioner states that a reply was in fact timely filed. To support this assertion, petitioner has submitted a copy of a return postcard, which acknowledges receipt by the U.S. Patent and Trademark Office (USPTO) on December 4, 2007. A copy of the previously submitted reply accompanies the petition.

MPEP 503 states that "[a] post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO." Accordingly, it is concluded that the amendment and request for three months extension of time were timely received in the USPTO but lost after receipt thereof.

Further review of the record shows that the reply submitted on December 4, 2007 has been located.

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

This application is being referred to Technology Center AU 2817 for appropriate action in the

normal course of business on the reply received.

Charlema Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DERGOSITS & NOAH LLP
THREE EMBARCADERO CENTER
SUITE 410
SAN FRANCISCO, CA 94111

COPY MAILED

APR 0 6 2009

OFFICE OF PETITIONS

In re Application of :
Thomas Larson Greenberg et al : ON PETITION
Application No. 10/844,653 :
Filed: May 12, 2004 :
Attorney Docket No. 1176.3306.00US

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

The petition is **GRANTED.**

The above-identified application became abandoned for failure to submit the Issue fee and Publication fee in a timely manner in reply to the Notice of Allowance mailed March 6, 2008, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on June 7, 2008.

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

The power of attorney received March 27, 2009 is not accepted. The Statement Under 37 CFR 3.73(b) is not signed.

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

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

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

QUALCOMM INCORPORATED
5775 MOREHOUSE DR.
SAN DIEGO, CA 92121

Mail Date: 04/20/2010

Applicant	: Kenneth R. Baker	: DECISION ON REQUEST FOR
Patent Number	: 7593360	: RECALCULATION of PATENT
Issue Date	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/844,666	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/12/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1237** 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

COPY MAILED

JUL 24 2006

OFFICE OF PETITIONS

Wesley W. Whitmyer, Jr.
St. Onge Steward Johnston & Reens
986 Bedford Street
Stamford, CT 06905-5619

In re Application of :
Roland C. Beaulieu, et al. :
Application No. 10/844,691 : DECISION ON PETITION
Filed: May 13, 2004 : TO WITHDRAW
Attorney Docket No. 03883-P0019F : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 22, 2005.

The request is **APPROVED**.

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

The request was signed by Wesley W. Whitmyer Jr., the sole attorney of record.

Wesley W. Whitmyer Jr. has been withdrawn as attorney.

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

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

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: Roland C. Beaulieu
510 Great Road
Littleton, MA 01460

cc: David M. Rosenblatt, Esq.
The Thomson Corporation
Metro Center, One Station Place
Stamford, CT 06902

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
10/844,691	05/13/2004	Roland C. Beaulieu	03883-P0019F

CONFIRMATION NO. 6923

OC000000019637819

OC000000019637819

24126
ST. ONGE STEWARD JOHNSTON & REENS, LLC
986 BEDFORD STREET
STAMFORD, CT 06905-5619

Date Mailed: 07/17/2006

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/22/2005.

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

Terri S. Williams

TERRI S WILLIAMS
OP (571) 272-2991

FORMER ATTORNEY/AGENT COPY

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

KLARQUIST SPARKMAN LLP
121 S.W. SALMON STREET
SUITE 1600
PORTLAND, OR 97204

Mail Date: 04/21/2010

Applicant	: Thomas J. Ball	: DECISION ON REQUEST FOR
Patent Number	: 7584455	: RECALCULATION of PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/844,710	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/12/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1098** 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

DANN, DORFMAN, HERRELL & SKILLMAN
1601 MARKET STREET
SUITE 2400
PHILADELPHIA PA 19103-2307

COPY MAILED

OCT 0 6 2008

OFFICE OF PETITIONS

In re Application of :
ARGON et al. :
Application No. 10/844,711 : ON PETITION
Filed: 05/12/2004 :
Attorney Docket No. 3460-P03200US1 (0206) :

This is a decision on the petition under 37 CFR 3.81(b), filed August 27, 2008, to correct the assignee data on the front page of the issued patent by way of a Certificate of Correction.

Petitioner states:

> An assignment was recorded at the Office on August 25, 2008 which assigned the right, title, and interest of co-inventor Tali Gidalevitz to The University of Chicago. The assignment was submitted for recordation as set forth in 37 CFR §3.11 after the payment of the issue fee on June 5, 2008, but before the issuance of the patent. The resultant patent should list both The University of Chicago and The Children's Hospital of Philadelphia as co-assignees (see 37 CFR §3.81(c)(2)).

The instant request is accompanied by a completed certificate of correction and required fees.

A review of the assignment records reflects that the assignments to The University of Chicago and The Children's Hospital of Philadelphia have been recorded and that such assignments were recorded prior to issuance of a patent. Therefore, it would be appropriate for the Office to issue a certificate of correction to correct the front page of the Letters Patent to reflect that The University of Chicago and The Children's Hospital of Philadelphia were the assignees of record at the time of issuance of the instant application into a patent.

Accordingly, the request is **granted**.

This matter is being referred to the Office of Data Management for issuance of the patent.

Thereafter, the Certificate of Corrections Branch is instructed to issue a certificate of correction reflecting the correct assignment information after issuance of the instant application into a patent.

Inquiries concerning this decision should be directed to the undersigned at (571) 272-3211. Any questions concerning the issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (571) 272-4200.

Christina T. Donnell

Christina Tartera Donnell
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

DANN, DORFMAN, HERRELL & SKILLMAN
1601 MARKET STREET, SUITE 2400
PHILADELPHIA PA 19103-2307

COPY MAILED

JAN 26 2009

OFFICE OF PETITIONS

In re Application of :
Yair **ARGON, et al.** :
Application No. 10/844,711 : DECISION GRANTING PETITION
Filed: May 12, 2004 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No.**3460-P03200US1 (0206)** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed January 23, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on June 5, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 1633 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment.

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

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

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

DANN, DORFMAN, HERRELL & SKILLMAN
1601 MARKET STREET
SUITE 2400
PHILADELPHIA, PA 19103-2307

Mail Date: 04/21/2010

Applicant	: Yair Argon	: DECISION ON REQUEST FOR
Patent Number	: 7589174	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/844,711	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/12/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1005** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

SALIWANCHIK LLOYD & SALIWANCHIK
A PROFESSIONAL ASSOCIATION
PO Box 142950
GAINESVILLE, FL 32614

Mail Date: 05/12/2010

Applicant	: Swadeshmukul Santra	: DECISION ON REQUEST FOR
Patent Number	: 7618434	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 10/844,737	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/12/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paul, Hastings, Janofsky & Walker LLP
875 15th Street, NW
Washington, DC 20005

COPY MAILED

FEB 14 2008

OFFICE OF PETITIONS

In re Application of	:	
Pete Ekis et al.	:	
Application No. 10/844,742	:	DECISION ON PETITION
Filed: May 12, 2004	:	TO WITHDRAW
Attorney Docket No. 56597.00002.UTL1	:	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 16, 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 Terri Williams at 571-272- 2991.

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Cenata Networks, Inc.**
P.O. Box 9160
Rancho Santa Fe, CA 92067

UNITED STATES 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, HASTINGS, JANOFSKY & WALKER LLP
3579 Valley Centre Drive
San Diego, CA 92130-2081

COPY MAILED

SEP 2 9 2008

OFFICE OF PETITIONS

In re Application of
Erion et al.
Application No. 10/844,747
Filed: May 12, 2004
Attorney Docket No. 45198.00035.DIV1

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 28, 2005.

The request is **MOOT**.

A review of the file record indicates that the power of attorney to PAUL, HASTINGS, JANOFSKY & WALKER LLP has been revoked by the assignee of the patent application on December 30, 2005. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the correspondence address of record until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-4914.

Ramesh Krishnamurthy
Petitions Examiner
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

Heller, Ehrman, White & McAuliffe LLP
4350 La Jolla Village Drive
Seventh Floor
San Diego, CA 92122-1246

Dear Applicant:

The Box PG Pub replacement drawings for application number 10/844757 received on 08/09/04 by the U. S. Patent and Trademark Office will be included for patent publication.

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

Kaletus King

Signature of Reviewer, Office of Pre-Grant Publication

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

COPY MAILED

AUG 0 6 2007

OFFICE OF PETITIONS

In re Patent No. 6,971,914 :
Issued: December 6, 2005 :
Application No. 10/844,770 : ON PETITION
Filed: May 12, 2004 :
Attorney Docket Number: 2519-0117PUS1 :

This is a decision on the petition, filed May 23, 2007, under 37 CFR 1.183, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the assignee's name on the front of the Patent.

The petition is **GRANTED**.

Petitioner states that the assignee's name, BAYCOM OPTO-ELECTRONICS TECHNOLOGY CO., LTD., was inadvertently omitted from the Fee(s) Transmittal form PTOL-85(b) at the time the issue fee was paid. Accordingly, petitioner requests that a certificate of correction be issued to reflect the correct assignee on the front 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 request was accompanied by a certificate of correction (and fee) as required by 3.81(b). Further, Office assignment records reflect that BAYCOM OPTO-

---

[1] *See* Official Gazette of June 22, 2004

ELECTRONICS TECHNOLOGY CO., LTD. is the assignee of record. Accordingly, as the request complies with the provisions of 37 CFR 3.81(b), it would be appropriate for a certificate of correction to issue.

Petitioner is advised that the fee for a petition under 37 CFR 3.81 is $130.00. While petitioner's deposit account no. 02-2448 was charged in the amount of $400.00 on May 23, 2007, $270.00 is being credited back.

Inquiries concerning this decision should be directed to the undersigned at (571) 272-3212. Any questions concerning the certificate of correction should be directed to the Certificates of Correction Branch at (703) 305-8309.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DIW Dec-08

INTEL CORPORATION
c/o INTELLEVATE, LLC
P.O. BOX 52050
MINNEAPOLIS MN 55402

RECEIVED
JAN 05 2009
OFFICE OF PETITIONS

In re Application of	:	
Zimmer et al.	:	DECISION ON PETITION TO
Application Number: 10/844780	:	WITHDRAW HOLDING OF
Filing Date: 05/12/2004	:	ABANDONMENT
Attorney Docket Number: P19157	:	

This is a decision on the "PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 C.F.R. §1.181(a)," filed on November 20, 2008, which is treated as a petition under 37 CFR 1.181, to withdraw the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

The application was held abandoned for failure to timely file a response to the non-final Office action mailed on December 12, 2007, which set a three (3) month period for reply. Notice of Abandonment was mailed on August 20, 2008.

Petitioner asserts that a response to the non-final Office action mailed on December 12, 2007 was timely filed on March 12, 2008. In support, petitioners have supplied a copy of an amendment asserted to have been filed in response to the Office action mailed on December 12, 2007. Petitioner notes that the amendment filed on March 12, 2008, miscaptioned the application number as "10/8*8*4,780".

Under current Office procedure, a response that has an incorrect serial number is handled in accordance with M.P.E.P. § 508.03. If a paper having an incorrect serial number contains sufficient information to identify the correct application and was timely received at the Office, the holding of abandonment will be

withdrawn. In reviewing the papers which were submitted, it is concluded that there was sufficient information thereon to associate the papers with the present application file.

The papers filed on March 12, 2008, have been located in the Office. A copy of the papers has been placed in the file of the subject application.

As petitioner has provided convincing evidence that a reply to the non-final Office action mailed on December 12, 2007 was timely filed, there is no abandonment in fact.

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

No fee is due and none has been charged.

The application is being referred to Technology Center Art Unit 2116 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COPY MAILED

JUN 19 2009

OFFICE OF PETITIONS

LEXMARK INTERNATIONAL INC
INTELLECTUAL PROPERTY LAW DEPARTMENT
740 WEST NEW CIRCLE ROAD
BLDG 082-1
LEXINGTON KY 40550-0999

In re Application of :
Bailey, et al. :
Application No. 10/844,787 : ON PETITION
Filed: May 13, 2004 :
Attorney Docket No. 2003-0866.02 :

This is a decision on the petition to revive under 37 CFR 1.137(b), filed May 18, 2009.

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

The above-identified application became abandoned for failure to timely file a reply in response to the Notice of Allowance mailed September 23, 2008. This Notice set a statutory period for reply of three (3) months for issue fee transmittal. No issue fee having been received, the application became abandoned on December 24, 2008. A Notice of Abandonment was mailed on January 16, 2009.

With the instant petition, petitioner paid the petition fee, made the proper statement of unintentional delay, and submitted the required reply in the form of the issue fee.

The application is being forwarded to the Office of Data Management for processing into a patent.

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Monique A. Morneault, Esq.
Wallenstein Wagner & Rockey, Ltd.
53rd Floor
311 South Wacker Drive
Chicago IL 60606-6630

COPY MAILED

MAY 27 2005

OFFICE OF PETITIONS

Applicant: Strelchenko et al.
Appl. No.: 10/844,790
Filing Date: May 13, 2004
Title: METHOD OF MAKING STEM CELLS FROM DIFFERENTIATED CELLS
Attorney Docket No.: Q80289
Pub. No.: US 2004/0259249 A1
Pub. Date: December 23, 2004

This is in response to the request for correction of patent application publication under 37 CFR 1.221(b), which was filed on February 23, 2005.

The request is DISMISSED.

The instant request is that the application be republished because the patent application publication contains a typographical error on the front page of the publication as the second inventor's name "Yury Verlinsky" is misspelled as "Yury Velinski."

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." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.[1] The instant request does not identify a material mistake in the publication made by the Office:

The typographical error on the front page of the patent application publication, wherein the inventor's name "Yury Verlinsky" is misspelled as "Yury Velinski" is a mistake, but it is not a material error under 37 CFR 1.221(b). The mistake was created by Applicant's request for a Corrected Filing Receipt filed with the Oath, wherein the inventor's name was listed as "Yury Velinski"not "Velinsky." The mistake is a minor typographical error. 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

[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 provisional rights that an applicant may seek to enforce upon issuance of a patent.

On August 24, 2004, a Filing Receipt was mailed by the Office, which included typographical error in the inventors name. To avoid this type of problem in the future, applicants' representative should make a request for a corrected filing receipt using the facsimile number (703-746-9195) on the Filing Receipt.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application 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 this decision, should be addressed as follows:

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

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

JOSEPH A. FUCHS
ROCKEY, DEPKE & LYONS, LLC
233 S. WACKER DRIVE
SUITE 5450, SEARS TOWER
CHICAGO, IL 60606-6306

MAILED

APR 20 2009

OFFICE OF PETITIONS

In re Application of
STRELCHENKO, Nikolai et al.
Application No. 10/844,790
Filed: May 13, 2004
Attorney Docket No. **3898 P 004**

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 11, 2009.

The request is **NOT APPROVED**.

A review of the file record indicates that Customer No. #73743 does not have power of attorney in this patent application nor is there any statement or evidence of record of employment in or otherwise being engaged in the proceedings in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

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

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

Michelle R. Eason
Paralegal Specialist
Office of Petitions

Cc: **UNGARETTI & HARRIS LLP**
INTELLECTUAL PROPERTY GROUP - PATENTS
70 WEST MADISON STREET
SUITE 3500
CHICAGO IL 60602-4224

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

COPY MAILED

NOV 0 8 2004

OFFICE OF PETITIONS

In re Application of :
Miles : DECISION GRANTING
Application No. 10/844,802 : PETITION
Filed: May 13, 2004 :
Attorney Docket No. 5652.P014XD3 :
For: INTERFEROMETRIC MODULATION OF RADIATION

This is a decision on the petition under 37 CFR 1.10(c), filed September 7, 2004 (certificate of mailing date September 2, 2004), requesting that the above-identified application be accorded a filing date of May 12, 2004. Petitioner desires correction of the filing date because petitioner received a filing receipt that stated the filing date for the application was May 13, 2004.

Petitioner requests a May 12, 2004 filing date on the basis that the application was deposited in Express Mail service of the United States Postal Service (USPS) on May 12, 2004, pursuant to the requirements of 37 CFR 1.10. The petition is accompanied by a copy of Express Mail label no. EV409412000US showing no "date-in"**and** a USPS date stamp of MAY 12 2004. The same Express Mail label number is listed on the original transmittal letter found in the application file.

The evidence presented establishes that the Express Mail package associated with Express Mail label no. EV409412000US was deposited with the USPS on May 12, 2004.

Accordingly, the petition is granted. The application's filing date is **May 12, 2004**. No fee has been or will be charged in connection with this petition.

A review of Office database records reveals that on September 30, 2004, the Office *sua sponte* changed the application's filing date to May 12, 2004 and mailed an Updated Filing Receipt reflecting this change. Since May 12, 2004 is the correct filing date for the application, it is not necessary to returned to the Office of Initial Patent Examination for correction of the filing date. Another copy of the September 30, 2004 Updated Filing Receipt is enclosed.

The application is being returned to Technology Center GAU 2877 for examination in due course.

Any inquiries related to this decision should be directed to the undersigned at (571) 272-3230.

E. Shirene Willis
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

DOCKET ADMINISTRATOR
LOWENSTEIN SANDLER PC
65 Livingston Avenue
Roseland NJ 07068-1791

COPY MAILED

MAY 04 2007

OFFICE OF PETITIONS

In re Application of :
Wang, et al. :
Application No. 10/844,816 : ON PETITION
Filed: May 13, 2004 :
Attorney Docket No. 13631-51 :
For: NANOSTRUCTURED SOLDERED OR BRAZED JOINTS MADE WITH REACTIVE MULTILAYER FOILS

This is a decision on the petition under 37 CFR 1.181, filed February 20, 2007 (certificate of mailing date February 16, 2007) to withdraw the holding of abandonment of the above-identified application.

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

This application was held abandoned for failure to respond in a timely manner to the non-final Office action mailed on July 26, 2006, which set an extendable three month period for reply. The Office has no record of receiving an extension of time or a reply to the July 26, 2006 non-final Office action. Therefore, the Office considered the application abandoned on October 27, 2006. A Notice of Abandonment was mailed on February 13, 2007.

Petitioners assert that a response to the Office action, an IDS and 3 cited references, *inter alia*, were mailed to the Office on October 26, 2006. The original response is not of record in the file and cannot be located. However, the copy of the itemized certificate of transmission mailed with the correspondence at issue bears an October 26, 2006 date of deposit.

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

The certificate of transmission, dated October 26, 2006, is in compliance with the requirements of 37 C.F.R. § 1.8(a)(1) as set forth above. In addition, the person signing the certificate, Attorney Daniel D. Sierchio, had reasonable basis to expect that the correspondence would be mailed on October 26, 2006.

A review of the copy of the response to the Office action and IDS reveals that petitioners cited application no. 10/884,816, instead of the correct application number, 10/844,816. The same mistake is present in the instant petition to withdraw the holding of abandonment.

Even though petitioners cited the wrong application number on the amendment and IDS, under MPEP 502, " A minor error in the identification of the application can be corrected by the group provided the correct identification can be quickly discovered. Examples of minor errors are transposed numbers, typographical errors, and listing the parent application number." The undersigned believes that a relatively simple review of Office records would have yielded the correct application number to enable the Office to match the October 26, 2006 correspondence with this application file, had it been received. A cross-referencing of any of the accurate identifiers found on the amendment and IDS with Office databases would have revealed the typographical error.

The October 26, 2006 amendment was timely filed. Accordingly, the petition is **GRANTED**, the Notice of Abandonment is hereby **vacated**, and the holding of abandonment withdrawn.

The application file will be forwarded to the Technology Center AU 1725 for consideration of the amendment filed on certificate of mailing date October 26, 2006 and resubmitted with the instant petition.

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

Shirene Willis Brantley

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

United States
Patent And
Trademark Office

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

PETITION DECISION

07/30/04

Fay, Sharpe, Fagan, Minnich & McKee, LLP
1100 Superior Avenue
Seventh Floor
Cleveland, OH 44114-2518

Dear Applicant:

The Box PG Pub replacement drawings for application number 10/844827 received on 07/12/04 by the U. S. Patent and Trademark Office will be included for patent publication.

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

Kaletus King

Signature of Reviewer, Office of Pre-Grant Publication

BEST AVAILABLE COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COPY MAILED

SEP 03 2009

OFFICE OF PETITIONS

FISH & RICHARDSON PC
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

In re Application of	:	
Bradley A. Hare, et al.	:	
Application No. 10/844,861	:	DECISION ON PETITION
Filed: May 13, 2004	:	TO WITHDRAW
Attorney Docket No. 20563/2342	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 20, 2009.

The request is **APPROVED**.

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

The request was signed by Sean P. 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). The power of attorney filed on April 18, 2005 does not include one of the above two options.

There is an outstanding Office action mailed March 26, 2009 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: BRADLEY A. HARE
A-2 30 WORTHERN STREET
CHELMSFORD, MA 01824

cc: OMNISONICS MEDICAL TECHNOLOGIES, INC.
C/O JOHN AQUINO (BANKRUPTCY TRUSTEE)
ANDERSON AQUINO, LLP
240 LEWIS WHARF
BOSTON, MA 02110

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
10/844,861	05/13/2004	Bradley A. Hare	20563/2342

CONFIRMATION NO. 3558

POWER OF ATTORNEY NOTICE

26161
FISH & RICHARDSON PC
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

Date Mailed: 09/01/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/20/2009.

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

/amwise/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/844,875	05/12/2004	2122	1568	OI7030482001	17	46	2

CONFIRMATION NO. 7543

23639
BINGHAM, MCCUTCHEN LLP
THREE EMBARCADERO, SUITE 1800
SAN FRANCISCO, CA 94111-4067

CORRECTED FILING RECEIPT

OC000000014239950

Date Mailed: 10/29/2004

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)

Surojit Chatterjee, Foster City, CA;
Sameer Joshi, San Jose, CA;
Alok Kumar Srivastava, Newark, CA;

Assignment For Published Patent Application

ORACLE INTERNATIONAL CORPORATION, REDWOOD SHORES, CA

Power of Attorney: The patent practitioners associated with Customer Number **23639**.

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 07/16/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/844,875

Projected Publication Date: 11/17/2005

Non-Publication Request: No

Early Publication Request: No

Title

Method and mechanism for managing incompatible changes in a distributed system

Preliminary Class

717

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

GRANTED

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

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

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

NOT GRANTED

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

RICHARD R. MICHAUD
THE MICHAUD-DUFFY GROUP, LLP
306 INDUSTRIAL PARK ROAD, SUITE 206
MIDDLETOWN, CT 06457

COPY MAILED

MAR 0 8 2007

OFFICE OF PETITIONS

In re Application of :
SANDOR et al :
Application No.: 10/844,878 : DECISION ON PETITION
Filing Date: May 13, 2004 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No.: 6579-0158-1 :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed August 18, 2006, to accept an unintentionally delayed claim under 35 U.S.C. 120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the amendment filed concurrently with the instant petition.

The petition is **DISMISSED**.

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

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

The petition does not satisfy item (1) above.

The reference to add the prior-filed applications on page one following the first sentence of the specification is not acceptable as drafted since it improperly incorporates by reference one of the prior-filed applications. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. 132(a)). If an incorporation by reference statement is included in an

amendment to the specification to add a benefit claim under 35 U.S.C. 120 after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. 120 is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. *See* Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note* MPEP 201.06(c) and 608.04(b).

With regard to item (3) above, the petition states that "the entire delay between September 13, 2004 (four months from the actual filing date of the present application) and the date of this petition, was unintentional." This statement is interpreted as a statement that the the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. If this is an incorrect interpretation in view of the rules, petitioner is required to provide a statement to that effect.

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

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

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

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

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

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

Bryan Lin
Legal Examiner
Office of PCT Legal Administration

Boris Milef
Legal Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

30 APR 2007

MICHAUD-DUFFY GROUP LLP
306 INDUSTRIAL PARK ROAD
SUITE 206
MIDDLETOWN, CT 06457

In re Application of	:	
SANDOR et al	:	
Application No.: 10/844,878	:	DECISION ON PETITION
Filing Date: May 13, 2004	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No.: 6579-0158-1	:	

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed April 13, 2007 to accept an unintentionally delayed claim under 35 U.S.C. 120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the amendment filed concurrently with the instant petition.

The petition is **GRANTED**.

The present nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed nonprovisional applications is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3).

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

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

The petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(3) in that (1) a reference to the prior-filed nonprovisional applications has been included in an

amendment to the first sentence of the specification following the title, as provided by 37 CFR 1.78(a)(2)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) the petition contains a proper statement of unintentional delay. Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. 120 to the prior-filed nonprovisional 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 this application is entitled to the benefit of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether this application is entitled to the benefit of the earlier filing date.

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

Any inquiries concerning this decision may be directed to Bryan Lin at (571)272-3303. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This matter is being referred to Technology Center Art Unit 3724 for appropriate action on the amendment filed April 13, 2007, including consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. 120 to the prior-filed nonprovisional applications.

Bryan Lin
Legal Examiner
Office of PCT Legal Administration

Boris Milef
Legal Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	TOT CLMS	IND CLMS
10/844,878	05/13/2004	3724	2540	6579-0158-1	92	7

CONFIRMATION NO. 7542

CORRECTED FILING RECEIPT

RICHARD R. MICHAUD
THE MICHAUD-DUFFY GROUP, LLP
306 INDUSTRIAL PARK ROAD
SUITE 206
MIDDLETOWN, CT 06457

OC000000023599754

Date Mailed: 04/30/2007

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)

James A. Sandor, Trumbull, CT;
Martha DeFeo, Milford, CT;
Glennis J. Orloff, Woodbridge, CT;
Rooma M. Mehta, Guilford, CT;

Power of Attorney:

Richard Michaud--40088
Michael Kinney--42740
Wayne Grohs--48945

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/471,037 05/16/2003
and is a CIP of 10/367,133 02/14/2003
which claims benefit of 60/375,843 04/24/2002
and is a CIP of 09/505,408 02/16/2000 PAT 6,584,690

Foreign Applications

If Required, Foreign Filing License Granted: 07/31/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/844,878

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Composition for shaving aid material and shaving aid cartridge for shaving aid material

Preliminary Class

030

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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

GRANTED

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

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

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

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

NOT GRANTED

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/844,893	05/13/2004	Yuri Gurevich	50037.283US01	7533

27488 7590 01/27/2008
MERCHANT & GOULD (MICROSOFT)
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

EXAMINER	
MOISE, EMMANUEL LIONEL	
ART UNIT	PAPER NUMBER
2137	
MAIL DATE	DELIVERY MODE
01/27/2008	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Gregory D. Leibold
Merchant & Gould (Microsoft)
P.O. Box 2903
Minneapolis, MN 55402-0903

MAILED

JAN 28 2008

TECHNOLOGY CENTER 2100

In re Application of:
Yuri GUREVICH et al.
Appl. No.: 10/844,893
Filed: May 13, 2004
For: EFFICIENT CHUNKING ALGORITHM

DECISION ON PETITION
UNDER 37 CFR § 1.59

This is a decision on the petition under 37 CFR § 1.59(b), filed on 14 January 2008, to expunge information submitted pursuant to MPEP § 724.05.

The petition is **DISMISSED**.

Petitioner requests that the information submitted on 14 January 2008 be expunged from the record if found not to be important to a reasonable examiner in deciding whether to allow the application to issue as a patent. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The petition is premature because the application has not been allowed or abandoned. Accordingly, it is not appropriate to make a final determination of whether or not the material requested to be expunged is "material," with "materiality" being defined as any information which the examiner considers as being important to a determination of patentability of the claims. Thus, the petition to expunge must be dismissed at this time.

During prosecution on the merits, the examiner will determine whether or not the information submitted on 14 January 2008 is considered to be "material." Once prosecution on the merits is closed, applicant may re-submit a petition to expunge the information. No further fee is required for such a second submission of a petition under 37 CFR § 1.59 to expunge information. If the information is not considered by the examiner to be material, the information will be expunged from the application and may be returned to applicant.

Any inquiry concerning this decision should be directed to the undersigned whose telephone number is (571) 272-3613.

Vincent N. Trans, SPRE/QAS
Technology Center 2100
Computer Architecture, Software, and
Information Security

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/844,906	05/13/2004	Dan Teodosiu	50037.285US01	7913

27488 7590 01/27/2008
MERCHANT & GOULD (MICROSOFT)
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

EXAMINER	
GILLIS, BRIAN J	

ART UNIT	PAPER NUMBER
2141	

MAIL DATE	DELIVERY MODE
01/27/2008	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Gregory D. Leibold
Merchant & Gould (Microsoft)
P.O. Box 2903
Minneapolis, MN 55402-0903

MAILED

JAN 28 2008

TECHNOLOGY CENTER 2100

In re Application of:
Dan TEODOSIU et al.
Appl. No.: 10/844,906
Filed: May 13, 2004
For: EFFICIENT ALGORITHM AND PROTOCOL FOR REMOTE DIFFERENTIAL COMPRESSION ON A REMOTE DEVICE

DECISION ON PETITION UNDER 37 CFR § 1.59

This is a decision on the petition under 37 CFR § 1.59(b), filed on 14 January 2008, to expunge information submitted pursuant to MPEP § 724.05.

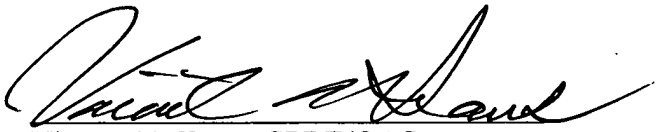
The petition is **DISMISSED**.

Petitioner requests that the information submitted on 14 January 2008 be expunged from the record if found not to be important to a reasonable examiner in deciding whether to allow the application to issue as a patent. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The petition is premature because the application has not been allowed or abandoned. Accordingly, it is not appropriate to make a final determination of whether or not the material requested to be expunged is "material," with "materiality" being defined as any information which the examiner considers as being important to a determination of patentability of the claims. Thus, the petition to expunge must be dismissed at this time.

During prosecution on the merits, the examiner will determine whether or not the information submitted on 14 January 2008 is considered to be "material." Once prosecution on the merits is closed, applicant may re-submit a petition to expunge the information. No further fee is required for such a second submission of a petition under 37 CFR § 1.59 to expunge information. If the information is not considered by the examiner to be material, the information will be expunged from the application and may be returned to applicant.

Any inquiry concerning this decision should be directed to the undersigned whose telephone number is (571) 272-3613.



Vincent N. Trans, SPRE/QAS
Technology Center 2100
Computer Architecture, Software, and
Information Security

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/844,907	05/13/2004	Dan Teodosiu	50037.284US01	7914

27488 7590 01/27/2008
MERCHANT & GOULD (MICROSOFT)
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

EXAMINER	
LE, MIRANDA	

ART UNIT	PAPER NUMBER
2167	

MAIL DATE	DELIVERY MODE
01/27/2008	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

JAN 28 2008

TECHNOLOGY CENTER 2100

Gregory D. Leibold
Merchant & Gould (Microsoft)
P.O. Box 2903
Minneapolis, MN 55402-0903

In re Application of:
Dan TEODOSIU et al.
Appl. No.: 10/844,907
Filed: May 13, 2004
For: EFFICIENT ALGORITHM AND PROTOCOL FOR REMOTE DIFFERENTIAL COMPRESSION ON A LOCAL DEVICE

DECISION ON PETITION
UNDER 37 CFR § 1.59

This is a decision on the petition under 37 CFR § 1.59(b), filed on 14 January 2008, to expunge information submitted pursuant to MPEP § 724.05.

The petition is **DISMISSED**.

Petitioner requests that the information submitted on 14 January 2008 be expunged from the record if found not to be important to a reasonable examiner in deciding whether to allow the application to issue as a patent. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The petition is premature because the application has not been allowed or abandoned. Accordingly, it is not appropriate to make a final determination of whether or not the material requested to be expunged is "material," with "materiality" being defined as any information which the examiner considers as being important to a determination of patentability of the claims. Thus, the petition to expunge must be dismissed at this time.

During prosecution on the merits, the examiner will determine whether or not the information submitted on 14 January 2008 is considered to be "material." Once prosecution on the merits is closed, applicant may re-submit a petition to expunge the information. No further fee is required for such a second submission of a petition under 37 CFR § 1.59 to expunge information. If the information is not considered by the examiner to be material, the information will be expunged from the application and may be returned to applicant.

Any inquiry concerning this decision should be directed to the undersigned whose telephone number is (571) 272-3613.

Vincent N. Trans, SPRE/QAS
Technology Center 2100
Computer Architecture, Software, and
Information Security

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Ingrid McTaggart
3021 S.E. 56th Avenue
Portland, OR 97206

COPY MAILED

APR 0 2 2007

OFFICE OF PETITIONS

In re Application of Beal et al. :
Application No. 10/844,910 : Decision on Petition
Filing Date: May 12, 2004 :
Attorney Docket No. OIW602 :

This is a decision on the petition under 37 CFR 1.181, filed December 14, 2006, to withdraw the holding of abandonment.

The petition is **granted.**

Facts:

A proper request to change the address of record was filed June 15, 2005.

A non-final Office action was incorrectly mailed to the former address of record on July 21, 2005. The Office action was returned undelivered by the USPS.

A Notice of Abandonment was incorrectly mailed to the former address of record on February 21, 2006. The Notice of Abandonment was returned undelivered by the USPS.

Discussion:

The Office action was mailed to an incorrect address and never received. Therefore, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

Technology Center Art Unit 3617 will be informed of the instant decision. Thereafter, the Technology Center's technical support staff will mail a new copy of the non-final Office action. The time period for responding to the new non-final Office action will be set to run from the mailing date of the new non-final Office action.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

INVENTARIUM
SUITE 1607
4050, ROSEMONT BLVD
MONTREAL QC H1X2M-4 CA CANADA

COPY MAILED
DEC 16 2008

In re Application of	:	
Samuel Gaudet et al.	:	
Application No. 10/844,916	:	ON PETITION
Filed: May 12, 2004	:	
Attorney Docket No.	:	

This is a decision on the Petition for Revival of an Application for Patent Abandoned for Failure to Notify the Office of A foreign or International filing (37 CFR 1.137(f)), filed November 26, 2008, which is being treated as petition under 37 CFR 1.137(b) to revive the above-identified application.

The petition is **DISMISSED**.

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

The application became abandoned for failure to timely reply within the meaning of 37 CFR 1.113 to the final Office action, mailed February 7, 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 8, 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 (Claude Gauthier) was ever given a power of attorney to act on behalf of inventor Samuel Gaudet, 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 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.

A copy of blank form PTO/SB/64 is enclosed for petitioner's use as the form presently used by the petitioner is improper for revival under 37 CFR 1.137(b).

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

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

By 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

cc: Claude Gauither
4050 Rosemont #1607
Montreal, Quebec, Canada

Enclosed: Blank form PTO/SB/64

RECEIVED
CENTRAL FAX CENTER
NOV 26 2008

PTO/SB/64a (11-08)
Approved for use through 12/31/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED FOR FAILURE TO NOTIFY THE OFFICE OFA FOREIGN OR INTERNATIONAL FILING (37 CFR 1.137(f))	Docket Number (Optional)

First named inventor: SAMUEL GAUDET

Application No.: 10/844,916 Art Unit: 2837

Filed: 05/12/2004 Examiner: LOCKETT, Kimberly R.

Title: Musical string networks

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

11/28/2008 PCHOMP 00000051 10844916
01 FC:2453 810.00 OP
11/28/2008 PCHOMP 00000051 10844916
02 FC:2801 405.00 OP

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 pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to timely notify the Office of the filing of an application in a foreign country or under a multinational international treaty that requires publication of applications eighteen months after filing. The date of abandonment is the day after the expiration date of the forty-five (45) day period set in 35 U.S.C. 122(b)(2)(B)(iii).

PURSUANT TO 37 CFR 1.137(f), APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION UNDER 37 CFR 1.137(b)

1.Petition fee

☑ Small entity-fee $ 810 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity – fee $ _____ (37 CFR 1.17(m))

2. Notice of Foreign or International Filing (35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c))

Subsequent to the filing of the above-identified application, an application was filed in another country, or under a multinational international treaty (e.g., filed under the Patent Cooperation Treaty), that requires publication of applications eighteen months after the filing. The filing date of the subsequently filed foreign or international application is _____.

This collection of information is required by 37 CFR 1.137. 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.

11/28/2008 PCHOMP 00000051 10844916
02 FC:2801 405.00 OP

RECEIVED
CENTRAL FAX CENTER
NOV 26 2008

PTO/SB/64a (11-08)
Approved for use through 12/31/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT: The entire delay in filing the required notice of a foreign or international filing from the due date for the required notice 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.

Claude Gauthier
Signature

11/26/2008
Date

Claude Gauthier
Typed or printed name

Registration Number, if applicable

4050, Rosemont #1607, Montreal, Quebec, Canada, H1X 1M4
Address

514-376-1273
Telephone Number

Address

Enclosures: ☑ Fee Payment

☐ 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

Claude Gauthier
595 Chemin Dover
Dieppe, New Brunswick Canada E1A 7L8

MAILED

MAY 26 2009

OFFICE OF PETITIONS

In re Application of :
Samuel Gaudet et al. :
Application No. 10/844,916 : ON PETITION
Filed: May 12, 2004 :
Attorney Docket No. :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed January 13, 2009, and supplemented on May 22, 2009, 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 February 7, 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 8, 2008.

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

The change of address filed with the instant petition has been entered. All future correspondence will go the new 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 2837 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Lowell W. Gresham
Meschkow & Gresham, PLC
Suite 409
5727 North Seventh Street
Phoenix, AZ 85014

COPY MAILED

FEB 0 6 2007

OFFICE OF PETITIONS

In re Patent No. 7,020,617
Issue Date: 03/28/2006
Application No. 10/844,922
Filed: 05/12/2004
Attorney Docket No. 2297-050CON2

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28(c), filed September 14, 2006.

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

The change of status to a large entity has been entered and made of record. This Notice is not intended to imply that the USPTO conducted any investigation of this matter.

The application file is being forwarded to Files Repository.

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

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

SUN MICROSYSTEMS, INC.
C/O DARBY & DARBY P.C.
P.O. BOX 770
CHURCH STREET STATION
NEW YORK, NY 10008-0770

COPY MAILED

NOV 10 2008

OFFICE OF PETITIONS

In re Application of :
Sorin Iacobovici, et al. :
Application No. 10/844,931 : DECISION ON PETITION
Filed: May 13, 2004 : TO WITHDRAW
Attorney Docket No. 20921/0205442-US0 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 18, 2008.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Sun Microsystems Inc., c/o Darby & Darby, PC has been revoked by the assignee of the patent application on July 3, 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 undersigned at 571-272-1642.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: OSHA LIANG LLP/SUN
TWO HOUSTON CENTER
909 FANNIN
SUITE 3500
HOUSTON, TX 77010

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JJGJr: 01-05

Paper No: __

COZEN O'CONNOR, P.C.
1900 MARKET STREET
PHILADELPHIA PA 19103-3508

COPY MAILED

JAN 21 2005

OFFICE OF PETITIONS

In re Application of :
Hofstadler, et al. :
Application No. 10/844,938 : DECISION ON PETITION
Filed: 12 May, 2004 :
Attorney Docket No.: IBIS0026-101 :
(DIBS-0041US2) :

This is a decision on the petition, filed on 20 September, 2004, under 37 C.F.R. §1.53 seeking to have accorded to the instant application a filing date of 12 May, 2004.

For the reasons set forth below, the petition is **GRANTED in part** and **DISMISSED in part**, and petition fee is waived and credited to Deposit Account 50-1275.

The application was deposited on 12 May, 2004.

On 16 July, 2004, the Office mailed a "Notice of Incomplete Nonprovisional Application" indicating that the application was filed without, *inter alia*, drawings as required under 35 U.S.C. §113 (first sentence) and that no filing date has been granted.

On 20 September, 2004, Petitioner replied submitting the instant petition, alleging, *inter alia*, that the drawings omitted were "not *** necessary for the understanding of the subject matter sought to be patented."

A review of the application also indicates that, *inter alia*, the application contains one or more methods and/or process claims (e.g., Claims 1 - 2).

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 the understanding of the invention under 35 U.S.C. §113 (first sentence). (See: MPEP §601.01[1])

This application contains method claims, e.g., claims 1 and 2. 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).[2]

It appears that a "Notice of Omitted Items" should have been mailed instead of the "Notice of Incomplete Nonprovisional Application."

Therefore, the 16 July, 2004, "Notice of Incomplete Nonprovisional Application" hereby is **vacated**.

---

[1] The commentary at MPEP §601.01 provides in pertinent part:

* * *

601.01(f) Applications Filed Without Drawings

35 U.S.C. 111(a)(2)(B) and 35 U.S.C. 111(b)(1)(B) each provide, in part, that an "application shall include . . . a drawing as prescribed by section 113 of this title" and 35 U.S.C. 111(a)(4) and 35 U.S.C. 111(b)(4) each provide, in part, that the "filing date . . . shall be the date on which . . . any required drawing are received in the Patent and Trademark Office." 35 U.S.C. 113 (first sentence) in turn provides that an "applicant shall furnish a drawing where necessary for the understanding of the subject matter sought to be patented.

Applications filed without drawings are initially inspected to determine whether a drawing is referred to in the specification, and if not, whether a drawing is necessary for the understanding of the invention. 35 U.S.C. 113 (first sentence).

It has been USPTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence). The same practice has been followed in composition applications.

* * *

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, not describing drawing figures in the specification, and filed without drawings will simply be processed for examination, so long as the application contains something that can be construed as a written description. 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. In a situation in which the appropriate Technology Center (TC) determines that drawings are necessary under 35 U.S.C. 113 (first sentence) the filing date issue will be reconsidered by the USPTO.

* * *

[2] The commentary at MPEP §601.01 provides in pertinent part:

* * *

601.01(g) Applications Filed Without All Figures of Drawings

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 of the drawing figure(s) referred to in the specification, and the application contains something that can be construed as a written description, at least one drawing, if necessary under 35 U.S.C. 113 (first sentence), and, in a nonprovisional application, at least one claim, OIPE will mail a "Notice of Omitted Item(s)" indicating that the application papers so deposited have been accorded a filing date, but are lacking some of the figures of drawings described in the specification. The mailing of a "Notice of Omitted Item(s)" will permit the applicant to either: (1) promptly establish prior receipt in the USPTO of the drawing(s) at issue (generally by way of a date-stamped postcard receipt (MPEP § 503)); or (2) promptly submit the omitted drawing(s) in a nonprovisional application and accept the date of such submission as the application filing date. An applicant asserting that the drawing(s) was in fact deposited in the USPTO with the application papers must, within 2 months from the date of the "Notice of Omitted Item(s)," file a petition under 37 C.F.R. 1.53(e) with the petition fee set forth in 37 C.F.R. 1.17(h), along with evidence of such deposit (37 C.F.R. 1.181(f)). The petition fee will be refunded if it is determined that the drawing(s) was in fact received by the USPTO with the application papers deposited on filing.

* * *

The application is accorded a filing date of 12 May, 2004.

The petition is **granted in part**, to the extent that the application will be accorded the filing date of 12 May, 2004, without the 2 sheets of drawings containing Figures 1 - 2 as part of the original disclosure of the application; in all other respects the petition **is dismissed**.

The application file is being released to the Office of Initial Patent Examination for further processing with a corrected filing date of 12 May, 2004, indicating in the Office records that "0" sheets of drawings were present on filing, and the mailing of a corrected filing receipt.

Telephone inquiries concerning this decision may 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

PAUL K. LEGAARD
ISIS PHARMACEUTICALS INC
1896 RUTHERFORD RD.
CARLSBAD CA 92008

COPY MAILED

JUN 0 1 2009

OFFICE OF PETITIONS

In re Application of	:	
Hofstadler et al.	:	DECISION ON PETITION
Application No. 10/844,938	:	TO WITHDRAW
Filed: May 12, 2004	:	FROM RECORD
Attorney Docket No. DIBIS-0041US2	:	

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 24, 2005.

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

A review of the file record indicates that on March 28, 2006 the power of attorney to Isis Pharmaceuticals, Inc. (customer number 34138) 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 above 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: Casimir Jones, S.C.
440 Science Drive
Suite 203
Madison WI 53711

UNITED STATES PATENT AND TRADEMARK OFFICE

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

PATRICK NEWNAM
WOOD CO.
P.O. BOX 63
PORTAGE OH 43451

COPY MAILED

AUG 0 3 2005

OFFICE OF PETITIONS

In re Application of :
Patrick Newnam :
Application No. 10/844,942 : DECISION GRANTING PETITION
Filed: May 13, 2004 : UNDER 37 CFR 1.137(b)
Attorney Docket No. None :

This is a decision on the petition under 37 CFR 1.137(b), filed April 4, 2005, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice To File Corrected Application Papers mailed July 16, 2004, which set a shortened statutory period for reply of two (2) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on September 17, 2004.

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

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

COPY MAILED

NOV 17 2006

OFFICE OF PETITIONS

MICHAEL J. PERSSON
LAWSON & PERSSON, P.C.
SUITE 103
67 WATER STREET
LACONIA NH 03246

In re Application of	:	
Deane Stern et al	:	
Application No. 10/844,948	:	DECISION GRANTING PETITION
Filed: May 13, 2004	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. 1537-004	:	

This is a decision on the petition under 37 CFR 1.137(b), filed July 13, 2006, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment(2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Nonfinal Rejection of June 2, 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 2875.

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

COPY MAILED

SEP 07 2007

OFFICE OF PETITIONS

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

In re Application of
W. Jack Harper
Application No. 10/844,960
Filed: May 12, 2004
Attorney Docket No. 040172-000810US

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 20, 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 William F. Vobach 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). The power of attorney filed on August 23, 2004 does not include a proper 3.73(b) statement with the reel and frame or a copy of the assignment.

There is an outstanding Office action mailed September 6, 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: W. JACK HARPER
5398 EVERGREEN HEIGHTS
EVERGREEN, CO 80439

cc: BSI2000, INC.
12600 WEST COLFAX AVENUE
SUITE B410
LAKEWOOD, CO 80215

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
10/844,960	05/12/2004	W. Jack Harper	040172-000810US

CONFIRMATION NO. 6638

OC000000025689888

20350
TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

Date Mailed: 09/06/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/20/2007.

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

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199
FORMER ATTORNEY/AGENT COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COPY MAILED

SEP 07 2007

OFFICE OF PETITIONS

Townsend and Townsend and Crew, LLP
Two Embarcadero Center
Eighth Floor
San Francisco, CA 94111-3834

In re Application of :
W. Jack Harper :
Application No. 10/844,963 : DECISION ON PETITION
Filed: May 12, 2004 : TO WITHDRAW
Attorney Docket No. 040172-000710US : 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 20, 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 William F. Vobach 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 assignee of interest at the address indicated below.

There is an outstanding Office action mailed August 2, 2007 that requires a reply from the applicant.

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: **BSI2000, Inc.**
1153 Bergen Parkway
Suite M350
Evergreen, CO 80439

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
10/844,963	05/12/2004	W. Jack Harper	040172-000710US

CONFIRMATION NO. 6670

20350
TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

OC000000025705906

Date Mailed: 09/06/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/20/2007.

- 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.

T. Williams

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

FORMER ATTORNEY/AGENT COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

COPY MAILED

JUN 11 2007

OFFICE OF PETITIONS

In re Application of :

HARPER, W. Jack :
Application No. 10/844,967 : DECISION ON PETITION
Filed: May 12, 2004 : TO WITHDRAW
Attorney Docket No. **040172-001010US** : 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 20, 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 William Vobach on behalf of all attorneys of record who are associated. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

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

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **W. JACK HARPER**
5398 EVERGREEN HEIGHTS
EVERGREEN, CO 80439

cc: **BSI2000, INC.**
1153 BERGEN PARKWAY
SUITE M350
EVERGREEN, CO 80439

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DARBY & DARBY P.C.
P.O. BOX 5257
NEW YORK, NY 10150-5257

COPY MAILED

FEB 10 2006

OFFICE OF PETITIONS

In re Application of :
Christopher P. Holmes et al :
Application No. 10/844,968 : ON PETITION
Filed: May 12, 2004 :
Attorney Docket No. 04279/100M615-US1

This is a decision on the petition, filed January 30, 2006 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on October 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 Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 1654 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

Irvin Dingle
Petitions Examiner
Office of Petitions

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 10/11/06

TO SPE OF : ART UNIT 1654

SUBJECT : Request for Certificate of Correction on Patent No.: 7084245

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:

Certificate of correction as requested by the applicant is approved.

Cecilia Tsang

CECILIA TSANG
SUPERVISORY PATENT EXAMINER

SPE

1654

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

Law Office of John L. Issac
7114 W. Jefferson Ave.
Suite 100
Lakewood CO 80235-2309

COPY MAILED
SEP 18 2006
OFFICE OF PETITIONS

In re Application of :
Nicholas A. Verini :
Application No. 10/844,973 : ON PETITION
Filed: May 13, 2004 :
Attorney Docket No. 7030.02.03A :

This is a decision on the petition under 37 CFR 1.137(b), filed April 24, 2006, to revive the above-identified application.

This application became abandoned for failure to respond to the Notice to File Missing Parts of Nonprovisional Application mailed on July 16, 2004, which set a two-month extendable period to reply. Accordingly, this application became abandoned on September 17, 2004. A Notice of Abandonment was mailed on April 8, 2005.

The Office notes that if the fee amounts increase after the mailing date of a Notice, applicants must pay the amounts due on the date the fees are paid. The current basic filing fee for a utility application filed before December 8, 2004, is $395.00 for a small entity. Additionally, the current fee for claims in excess of 20 is $25.00 for a small entity. Unfortunately, the USPTO finance records indicate that applicant's payment by check for the fees required by the Notice to File Missing Parts is insufficient in the amount of $42.00.

Pursuant to MPEP 509, the Office applied the monies paid by applicant in the following order until the payment was expended: (1) the basic filing fee; (2) the late filing fee surcharge; and (3) the excess claims fee. Thus, leaving a balance due of $42.00 for the excess claims fee.

To revive this application, applicant must submit a "Renewed Petition Under 37 CFR 1.137(b)" within TWO (2) MONTHS from the mail date of this decision. In addition, applicant must pay the balance due for the claims in excess of 20 in the amount of $42.00. Extensions of time are available under 37 CFR 1.136(a). No additional fee is due for filing the renewed petition.

Further correspondence with respect to this matter should be addressed as follows and **to the attention of Senior Petitions Attorney Christina Tartera Donnell:**

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

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

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

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

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Law Office of John L. Issac
7114 W. Jefferson Ave.
Suite 100
Lakewood CO 80235-2309

COPY MAILED
NOV 0 2 2006
OFFICE OF PETITIONS

In re Application of :
Nicholas A. Verini :
Application No. 10/844,973 : ON PETITION
Filed: May 13, 2004 :
Attorney Docket No. 7030.02.03A :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed September 26, 2006, to revive the above-identified application.

This application became abandoned for failure to respond to the Notice to File Missing Parts of Nonprovisional Application mailed on July 16, 2004, which set a two-month extendable period to reply. Accordingly, this application became abandoned on September 17, 2004. A Notice of Abandonment was mailed on April 8, 2005.

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

This matter is being referred to the Office of Initial Patent Examination for further processing.

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

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

David H. JUDSON
15950 Dallas Parkway
Suite 225
Dallas, Texas 75248

MAILED

DEC 15 2005

Technology Center 2100

In re Application of:
FALK et al
Application No. 10/844,985
Filed: May 13, 2004
For: METHOD AND SYSTEM FOR VISUAL DATA MAPPING AND CODE GENERATION TO SUPPORT DATA INTEGRATION

DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the petition, filed on January 03, 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. 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

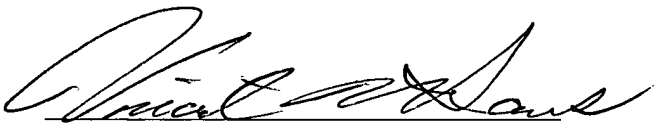
(E) Submits a detailed discussion of the references, which discussion points out, with the particularity required by 37 CFR §§ 1.111 (b) and (c), how the claimed subject matter is patentable over the references.

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 January 03, 2005 fails to meet requirement (C) and (E) as set forth above. Responsive to requirement (C), applicant must provide a listing of the field of search by class and subclass, publication, Chemical Abstracts, foreign patents, etc. Responsive to requirement (E), applicant must provide a "detailed discussion of the references, which discussion points out, with the particularly requirement 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 is specifically distinguishable and patentable from the references provided pursuant to requirement (e) supra.

Accordingly, the petition is **DISMISSED**. Petitioner is given one opportunity to perfect the petition. Any request for reconsideration must be filed within TWO MONTHS of the mail date of this decision.

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.



Vincent N. Trans
Special Program Examiner
Technology Center 2100
Computer Architecture, Software, and
Information Security
571-272-3613

UNITED STATES PATENT AND TRADEMARK OFFICE

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

HOLLAND & KNIGHT, LLP
10 ST. JAMES AVENUE
BOSTON, MA 02116

MAILED

SEP 18 2006

TECHNOLOGY CENTER 2100

In re Application of: FALK, et al.
Application No. 10/844,985
Filed: May 13, 2004
For: METHOD AND SYSTEM FOR VISUAL DATA MAPPING AND CODE GENERATION TO SUPPORT DATA INTEGRATION

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 February 15, 2006 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 January 3, 2005, and dismissed on December 15, 2005.

The Petition is **DENIED**.

M.P.E.P. §708.02, Section VIII which sets out the prerequisites for a grantable petition for Accelerated Examination under 37 C.F.R. §1.102(d) states in relevant part:

A new application (one which has not received any examination by the examiner) may be granted special status provided that applicant (and this term includes applicant's attorney or agent) complies with each of the following items:

(a) Submits a petition to make special accompanied by the fee set forth in 37 CFR 1.17(h);

(b) Presents all claims directed to a single invention, or if the Office determines that all the claims presented are not obviously directed to a single invention, will make an election without traverse as a prerequisite to the grant of special status;

(c) Submits a statement(s) that a pre-examination search was made, listing the field of search by class and subclass, publication, Chemical Abstracts, foreign patents, etc. **The pre-examination search must be directed to the invention as claimed in the application for which special status is requested.** A search made by a foreign patent office satisfies this requirement;

(d) Submits one copy each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and

(e) Submits a detailed discussion of the references, which discussion points out, with the particularity required by 37 CFR 1.111 (b) and (c), how the claimed subject matter is patentable over the references.

The renewed petition filed February 15, 2006 fails to adequately meet requirements (c) and (e) of the criteria set forth above. With respect to requirement (c), and as stated in the previous decision of December 15, 2005, the listing of the field of search by **class and subclass** and **must be** directed to **the invention as claimed** in the application for which special status is requested. The instant claims are drawn to a data integration method and a data processing system having a graphical user-interface displaying "n" structured objects and visually defined mappings, as well as to a data object for use in a data integration method. A required search for the claimed subject matter in class 717 (DATA PROCESSING: SOFTWARE DEVELOPMENT, INSTALLATION, AND MANAGEMENT) subclasses 106, 109, 114, 115 and 137) should have been included. This required search area (for the claim of the instant application) was confirmed with an (primary) Examiner in the Art Unit currently assigned this application.

With respect to requirement (e), for applicant's convenience, note 37 CFR § 1.111 (b) and (c) reproduced in part below:

(b) A general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section.

(c) .... the applicant or patent owner must clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. The applicant or patent owner must also show how the amendments avoid such references or objections.

With respect to claim 12, Petitioner asserts that "all limitations" are absent from the cited references deemed to be most closely related. By identifying all limitations as those limitations that the reference(s) do not show or suggest, the petition fails to discuss the **claimed limitations** with respect to the references in accordance with the requirements of 37 CFR 1.111 (b) and (c) identified above. That is, the petition does not specifically recite language or limitations from this independent claim to properly compare/contrast the claimed invention with respect to the relevant teachings in the prior art in the identified references.

In the discussion of the references, Petitioner is required to point out (substantively detail) the prior art elements and associations germane to the claim(s) to fully flesh-out the comparison between the referenced prior art and Applicant's claimed features. The petition must specifically show, for each independent-claim, specific language that distinguishes over each given reference in order to specify "how the claimed subject matter is patentable over the references" that are "deemed to be most closely related to the subject matter encompassed by the claims."

Applicant must provide a detailed discussion of the references, which discussion **must clearly point out** the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited" [emphasis added]. A general allegation that "all limitations" of the claim(s) define a patentable invention ... does not comply with the requirements.

Accordingly, the Petition to Make Special **DENIED** since all of the requirements for special status under MPEP § 708.02(VIII) have NOT been met. The application is being returned to the Examiner's docket to await examination in its proper turn based on its effective filing date.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BINGHAM MCCUTCHEN LLP
Three Embarcadero Center
San Francisco CA 94111-4067

MAILED

MAY 0 1 2009

OFFICE OF PETITIONS

In re Application of :
Chatterjee, et al. :
Application No. 10/845,016 : DECISION ON PETITION
Filed: May 12, 2004 :
Attorney Docket No. O17035704001 :

This is a decision on the petition, filed April 3, 2009, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to reply to the non-final Office action mailed June 12, 2008, which set a three (3) month shortened statutory period for reply. A Notice of Abandonment was mailed on January 21, 2009.

Petitioners assert that the Office action dated June 12, 2008 was not received.

A review of the written record indicates no irregularity in the mailing of the Office action, and, in the absence of any irregularity, there is a strong presumption that the Office action was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. In this regard, the showing required to establish the failure to receive the Office action must consist of the following:

1. a statement from practitioner stating that the Office action was not received by the practitioner;

2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and

3. a copy of the docket record where the non-received Office action would have been entered had it been received and docketed must be attached to and referenced in the practitioner's statement.

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

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

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

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.

As petitioners have responded to the June 12, 2008 non-final Office action, there is no need to re-mail the June 12, 2008 Office action. This application is being referred to the Technology Center Art Unit 2167 for consideration of the amendment filed on April 3, 2009.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

CC: PETER C. MEI
VISTA IP LAW GROUP, LLP
1885 LUNDY AVENUE, SUITE 108
SAN JOSE, CA 95131

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

BAKER BOTTS L.L.P.
2001 ROSS AVENUE
SUITE 600
DALLAS, TX 75201-2980

Mail Date: 04/20/2010

Applicant	: Frederick R. Schindler	: DECISION ON REQUEST FOR
Patent Number	: 7603570	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/845,021	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/13/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **344** 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

JOGEN PATHAK
VARAHA SYSTEMS
BUILDING 1- SUITE 200
2650 VALLEY VIEW LANE
DALLAS, TX 75234

COPY MAILED

JUN 27 2005

OFFICE OF PETITIONS

In re Application of :
Rangaprasad Govindarajan, et al. :
Application No. 10/845,022 : ON PETITION
Filed: May 13, 2004 :
Attorney Docket No. VN-0001 :

This is a decision on the petition, filed April 25, 2005, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is DISMISSED since it is not properly executed. The petition is signed by only one of the four joint inventors.

37 CFR 1.33(b) states that:

Amendments and other papers filed in the application must be signed by:

(1) An attorney or agent of record appointed in compliance with § 1.34(b);

(2) A registered attorney or agent not of record who acts in a representative capacity under the provisions of § 1.34(a);

(3) The assignee of record of the entire interest, if there is an assignee of record of the entire interest;

(4) An assignee of record of an undivided part interest, and any assignee(s) of the remaining interest and any applicant retaining an interest, if there is an assignee of record of an undivided part interest; or

(5) All of the applicants (§§ 1.42. 1.43 and 1.47) for patent, unless there is an assignee of record of the entire interest and such assignee has taken action in the application in accordance with §§ 3.71 and 3.73.

This is **not** final agency action within the meaning of 5 U.S.C. § 704. 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)" and include a ratification of the unsigned petition. No further petition fee is required.

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

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

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

The centralized facsimile number is **(703) 872-9306**.

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

Sherry D. Brinkley
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

JOGEN PATHAK
VARAHA SYSTEMS
BUILDING 1- SUITE 200
2650 VALLEY VIEW LANE
DALLAS, TX 75234

COPY MAILED

DEC 0 1 2005

OFFICE OF PETITIONS

In re Application of :
Rangaprasad Govindarajan, et al. :
Application No. 10/845,022 : ON PETITION
Filed: May 13, 2004 :
Attorney Docket No. VN-0001 :
:

This is a decision on the renewed petition under 37 CFR 1.137(b), filed July 22, 2005, to revive the above-identified application.

The petition is **DISMISSED**.

The application was filed on May 13, 2004. The filing included a declaration under 37 CFR 1.63, executed by two of the four named inventors. On July 15, 2004, a Notice to File Missing Parts was mailed stating that the signature of inventors Vohra and Charan were missing from the oath or declaration. The notice set a period of TWO MONTHS to submit, inter alia, an executed oath or declaration under 37 CFR 1.63 and the surcharge under 37 CFR 1.16(e) to avoid abandonment. Since no response was filed, a Notice of Abandonment was mailed on April 13, 2005. The present petition is filed in response to a decision dismissing petition mailed June 27, 2005.

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 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 petition does not include the required reply.

[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.

It is noted that the petition filed July 22, 2005 included a declaration, additional claim fees and the surcharge under 37 CFR 1.16(e). However, the declaration is not in compliance with 37 CFR 1.63 and 1.64. The "declaration" filed July 22, 2005 consists of 1 page which is identified as "Page 2 of 3" containing the signatures of joint inventors Charan and Vohra as the first and second inventor, respectively. It is noted that the declaration submitted on filing identifies joint inventors Govindarajan and Pathak as the first and second inventors on Page 2 of 2. Given the format of the declaration filed July 22, 2005, it is unclear whether all inventors were presented with a declaration naming all of the actual inventors in compliance with §§ 1.63 and 1.64. Accordingly, it is concluded that the declaration filed with the petition on July 22, 2005, is not acceptable

An acceptable declaration in compliance with 37 CFR 1.63 and 1.64, curing the deficiency stated on the Notice to File Missing Parts, is required to satisfy the "required reply" requirement of 1.137(b).

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)," and include the required reply.

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

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

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

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

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

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

JOGEN PATHAK
VARAHA SYSTEMS
BUILDING 1- SUITE 200
2650 VALLEY VIEW LANE
DALLAS, TX 75234

COPY MAILED

FEB 17 2006

OFFICE OF PETITIONS

In re Application of :
Rangaprasad Govindarajan, et al. :
Application No. 10/845,022 : ON PETITION
Filed: May 13, 2004 :
Attorney Docket No. VN-0001 :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed December 28, 2005, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely respond to a Notice to File Missing Parts mailed July 15, 2004. The notice required additional claim fees, an oath or declaration under 37 CFR 1.63 and the requisite surcharge under 37 CFR 1.16(e). A Notice of Abandonment was mailed on April 13, 2005. It is noted that petitions under 37 CFR 1.137(b) were filed on April 25, 2005 and July 22, 2005; however, the petitions were dismissed in decisions mailed June 27, 2005 and December 1, 2005, respectively.

The present petition is found to comply with the requirements of 37 CFR 1.137(b).

Since the required petition fee was submitted with the petition on April 25, 2005, the $750.00 petition fee submitted with the present petition is being refunded. Further, effective December 8, 2004, the fee for independent claims in excess of three for a small entity was increased to $100.00. Since any fee amount paid on or after December 8, 2004, must be paid at the revised amount, petitioner should have submitted fees totaling $165 with the petition under 37 CFR 1.137(b) filed April 25, 2005, $100 for the additional claim fees and $65 for the surcharge. It is noted that petitioner submitted fees totaling $216 ($108 on April 25, 2005 and $108 on December 28, 2005). Therefore the $51 overpaid will be refunded to petitioner for a total refund of $801.

The application is being referred to the Office of Initial Patent Examination (OIPE) for further processing using the declaration filed December 28, 2005.

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 inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to OIPE processing should be directed to their hotline at (571) 272-4000.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: JOGEN PATHAK
9005 JASMINE LN
IRVING, TX 75063

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)
7,006,214	2006-02-28	10/845,035	2004-05-13	ASDI-009/01US 300225-2021

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	/Eamonn Gardner/	Date (YYYY-MM-DD)	2010-04-20
Name	Eamonn Gardner	Registration Number	63322

This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/ or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

In re Patent No. 7006214
Issue Date: February 28,2006
Application No. 10845035
Filed: May 13,2004
Attorney Docket No. ASDI-009/01US

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

This is a decision on the electronic petition, filed April 20,2010 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of April 20,2010 . This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

UNITED STATES 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.

A. BRUCE CLAY
IBM CORPORATION T81/503
PO BOX 12195
RESEARCH TRIANGLE PARK NC 27709

COPY MAILED

OCT 0 6 2004

OFFICE OF PETITIONS

In re Application of :
Qi et al. : DECISION ON PETITION
Application No. 10/845,049 :
Filed: May 13, 2004 :
Attorney Docket No. JP920000263US2 :
:

This is a decision on the "RESPONSE TO NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION," filed August 25, 2004.

Application papers in the above-identified application were deposited on May 13, 2004. However, on July 16, 2004, the Office mailed a "Notice of Omitted Items in a Nonprovisional Application," notifying applicants that the application papers had been accorded a filing date; however, figures 22 and 23 appeared to have been omitted.

Petitioner responded with the instant petition (and petition fee). Petitioner asserts that the figures indicated as omitted, 22 & 23, were in fact deposited with the P.T.O. with the original application papers filed on May 13, 2004. In support thereof, petitioner submitted a copy of their date-stamped return postcard and a copy of the application as petitioner maintains it was originally filed, including figures 22 and 23.

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 the postcard receipt reveals that: 1) it bears an OIPE date-stamp acknowledging receipt on May 13, 2004 of the correspondence assigned application No. 10/845049, 2) it identifies the items being filed, including "Figures 1-24 (24 pgs)," and 3) it lacks any annotation of nonreceipt of any item denoted on the postcard. Thus, petitioners have shown that the items denoted, including the 24 pages of drawings, were filed on May 13, 2004.

The application papers already considered received in the Office on May 13, 2004, were reviewed along with the missing figures submitted on petition. These papers together constitute the items described on the postcard receipt as "Figures 1-24 (24

pgs)." Petitioner has shown that Figs. 22 and 23 were among the items present in the application on the date of deposit and should be included in the original application papers. Accordingly, the petition is **GRANTED**.

Given the basis for granting the petition, the petition fee is being refunded to Deposit Account No. 09-0461, as authorized.

The Office of Initial Patent Examination (OIPE) has been advised of this decision. The application is to be:

- processed with a filing date of May 13, 2004, using the application papers received in the Office and presently accorded that date; and the 2 sheets of drawings containing Figures 22 and 23 re-supplied on petition filed August 25, 2004; and

- with indication in Office records, as appropriate, that the application as filed included 24 sheets of drawings.

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

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

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

Mail Date: 04/21/2010

Applicant	: Robert George Birch	: DECISION ON REQUEST FOR
Patent Number	: 7655836	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/845,059	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/12/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **846** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

Mail Date: 04/21/2010

Applicant	: Yong-hyun Lee	: DECISION ON REQUEST FOR
Patent Number	: 7605956	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/845,083	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/14/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1559** 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

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.
1800 Diagonal Road
Suite 370
Alexandria, VA 22314

MAILED

MAR 22 2006

Technology Center 2100

In re Application of:
KUMAGAI, et al.
Application No. 10/845,121
Filed: May 14, 2004
For: LOAD BALANCING METHOD AND SYSTEM

DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the petition, filed on 01 November 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.

Applicant's submission of 01 November 2005 meet 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
www.uspto.gov

SHOOK, HARDY & BACON L.L.P.
(MICROSOFT CORPORATION)
INTELLECTUAL PROPERTY DEPARTMENT
2555 GRAND BOULEVARD
KANSAS CITY, MO 64108-2613

Mail Date: 04/21/2010

Applicant	: William Tom Blank	: DECISION ON REQUEST FOR
Patent Number	: 7630501	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/845,127	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/14/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **981** 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

VENABLE LLP
P.O. BOX 34385
WASHINGTON, DC 20045-9998

COPY MAILED

MAY 24 2006

OFFICE OF PETITIONS

In re Patent No. 7,012,681 :
Issued: March 14, 2006 : DECISION ON APPLICATION FOR
Application No. 10/845,155 : PTA and NOTICE OF INTENT
Filed: May 14, 2004 : TO ISSUE CERTIFICATE OF
Atty. Dkt. No.: 32307-203541 : CORRECTION

This decision is in response to the "Request for Recalculation of Patent Term Adjustment under 35 U.S.C. § 1.705(d)" filed April 12, 2006. This matter is being properly treated under 37 CFR 1.705(d).

The request for reconsideration of patent term adjustment (PTA) is **GRANTED TO THE EXTENT INDICATED HEREIN**.

The above-identified application matured into U.S. Patent No. 7,012,681 on March 14, 2006. The instant request for reconsideration was timely filed April 12, 2006 in accordance with 37 C.F.R. § 1.705(d). The patent issued with a PTA of zero days. Patentees argue that the adjustment of 70 days that was indicated in the Determination of Patent Term Adjustment under 35 USC 154(b) mailed September 22, 2005 was improperly reduced 90 days in connection with the request for corrected filing receipt filed December 15, 2005. Patentees argue that the adjustment should have been reduced six days in connection with the request filed December 15, 2005.

A review of the application history reveals that at the time of issuance, the patent was entitled to an adjustment of 70 days in accordance with 37 CFR 1.702(a)(1) and 1.703(a)(1).

Submission of a request for corrected filing receipt after Notice of Allowance has been given or mailed is a failure to engage in reasonable efforts to conclude prosecution or processing within the meaning of 37 CFR 1.704(c)(10).

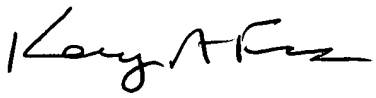
Accordingly, the adjustment of 70 days is properly reduced seven days in accordance with 37 CFR 1.704(c)(10). The reduction began December 15, 2005, the date the request was filed, and ended December 21, 2005, the date the corrected filing receipt was mailed is response thereto.

In view thereof, the patent is entitled to an adjustment of 63 days.

This application file will be forwarded to the Certificate of Corrections branch for issuance of a certificate of correction to indicate that the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 63 days.

Receipt is hereby acknowledged of the required application fee of $200.00.

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



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

CC: Draft Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT	:	7,012,681 B2
DATED	:	March 14, 2006
INVENTOR(S)	:	Kondo, et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 0 days

Delete the phrase "by 0 days" and insert – by 63 days--

UNITED STATES PATENT AND TRADEMARK OFFICE

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

SEAN LIAM KELLEHER
LILLING & LILLING PLLC
PO BOX 435
JERUSALEM, ISRAEL 91003

COPY MAILED

JUN 0 1 2009

OFFICE OF PETITIONS

In re Application of	:	
Michael Goldowsky	:	DECISION ON PETITION
Application No. 10/845,183	:	TO WITHDRAW
Filed: May 14, 2004	:	FROM RECORD
Attorney Docket No. GOLDME.P1	:	

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 August 9, 2006 the power of attorney to Lilling & Lilling PLLC was revoked by the applicant 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: Ohlandt, Greenley, Ruggiero & Perle, LLP
One Landmark Square, 10th Floor
Stamford CT 06901

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Finnegan, Henderson, Farabow,
Garrett & Dunner, L.L.P.
1300 I Street, N.W.
Washington, DC 20005-3315

COPY MAILED

NOV 0 9 2005

OFFICE OF PETITIONS

In re Application of :
Robert Cummings, et. al. :
Application No. 10/845,184 : ON PETITION
Filed: May 14, 2004 :
Attorney Docket No. 07781.0132 :

This is a decision on the petition under 37 CFR 1.182, filed October 31, 2005, to change the order of the names of the inventors.

The petition is **granted**.

The order of the names of the inventors will be changed as follows:

1. Robert Cummings
2. Rainer Feser-Tehranian
3. Michael Franz
4. Claus Heinrich
5. Jürgen Remmel
6. Stefan Schaffer
7. Veronika Schmid-Lutz
8. Andreas Simon Schmitt
9. Oliver Sievi

10. Ralf Strassner

11. Stefan Weisenberger

A corrected Filing Receipt is enclosed with this decision on petition.

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

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

Andrea Smith
Petitions Examiner
Office of Petitions

Enclosure: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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

OCT 5 2004

In re Application of :
Mark Douglas Robinson :
Application No. 10/845,186 : DECISION ON PETITION
Filed: May 14, 2004 :
Attorney Docket No. 159-1 :

This is a decision on the petition to make special filed on May 14, 2004. The petition is based upon the practice described in MPEP § 708.02(VI) "Energy." Therefore, no petition fee is required.

The petition is granted.

The petition to make special based upon the practice in MPEP § 708.02(VI) is deemed to satisfy all of the requirements therefore. Accordingly, the examiner will treat this application as special throughout its prosecution. Prior to the next action on the merits, the examiner will conduct a rigorous search for potentially interfering applications. The interference search will be brought up to date prior to each successive action.

The Supervisory Patent Examiner of Patent Examining Art Unit 3748 is being informed of this decision, and will advise the examiner to take future action consistent therewith. The granting of this petition is not to be construed as an endorsement of the allegations contained in the petition.

PETITION GRANTED.

Stephen Marcus, Special Program Examiner
Technology Center 3700

IRVING KESCHNER
21515 HAWTHORNE BOULEVARD
SUITE 1150
TORRANCE, CA 90503

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/845,186	05/14/2004	Mark Douglas Robinson	159-1	7908

23772 7590 10/26/2004

STEPHEN CHRISTOPHER SWIFT
SWIFT LAW OFFICE
SUITE 200
1940 DUKE STREET
ALEXANDRIA, VA 22314-3451

EXAMINER	
NGUYEN, HOANG M	
ART UNIT	**PAPER NUMBER**
3748	

DATE MAILED: 10/26/2004

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Remailed

In re Application of	:	
Mark Douglas Robinson	:	
Application No. 10/845,186	:	DECISION ON PETITION
Filed: May 14, 2004	:	
Attorney Docket No. 159-1	:	

This is a decision on the petition to make special filed on May 14, 2004. The petition is based upon the practice described in MPEP § 708.02(VI) "Energy." Therefore, no petition fee is required.

The petition is granted.

The petition to make special based upon the practice in MPEP § 708.02(VI) is deemed to satisfy all of the requirements therefore. Accordingly, the examiner will treat this application as special throughout its prosecution. Prior to the next action on the merits, the examiner will conduct a rigorous search for potentially interfering applications. The interference search will be brought up to date prior to each successive action.

The Supervisory Patent Examiner of Patent Examining Art Unit 3748 is being informed of this decision, and will advise the examiner to take future action consistent therewith. The granting of this petition is not to be construed as an endorsement of the allegations contained in the petition.

PETITION GRANTED.

Stephen Marcus, Special Program Examiner
Technology Center 3700

STEPHEN CHRISTOPHER SWIFT
1800 DIAGONAL ROAD
SUITE 600
ALEXANDRIA, VA 22314-2840

UNITED STATES PATENT AND TRADEMARK OFFICE

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

WESTERMAN HATTORI DANIELS & ADRIAN
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON, DC 20036

COPY MAILED

SEP 19 2005

OFFICE OF PETITIONS

In re Application of :
Gerhard Lehmann :
Application No. 10/845,230 : DECISION ON PETITION
Filed: May 14, 2004 : TO MAKE SPECIAL
Attorney Docket No. 042401 : 37 CFR 1.102(d)

This is a decision on the petition under 37 CFR §1.102(d), filed august 31, 2005, 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 Wan Laymon at (571) 272-3220.

All other inquires concerning either the examination or status of the application should be directed to the Technology Center at (571) 272-2600.

This matter is being referred to the Technology Center Art Unit 2655 for expedited prosecution.

David Bucci
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

COPY MAILED

AUG 31 2006

OFFICE OF PETITIONS

In re Application of
Shawn Poole et al.
Application No. 10/845,244
Filed: May 14, 2004
Title of Invention: LABEL APPLICATION APPARATUS AND METHOD OF OPERATION THEREOF

ON PETITION

This is a decision on the petition filed April 18, 2006 under 37 CFR 1.137(b),[1] to revive the above-identified application.

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

This application became abandoned for failure to timely pay the issue fee on or before January 18, 2006. The instant petition and this decision precede the mailing of the Notice of Abandonment.

The issue fee, petition fee and publication fee have been applied. All other requirements of 37 CFR 1.137(b) having now been met, this application file is being forwarded to the Publishing Division to be processed into a patent.

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

---

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

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

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

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

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

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

FULBRIGHT & JAWORSKI L.L.P.
600 CONGRESS AVE.
SUITE 2400
AUSTIN, TX 78701

Mail Date: 04/21/2010

Applicant	: Paul McCray	: DECISION ON REQUEST FOR
Patent Number	: 7608449	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/845,253	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/13/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **910** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

FULBRIGHT & JAWORSKI L.L.P.
600 CONGRESS AVE.
SUITE 2400
AUSTIN, TX 78701

Mail Date: 05/18/2010

Applicant : Paul McCray
Patent Number : 7608449
Issue Date : 10/27/2009
Application No: 10/845,253
Filed : 05/13/2004

: 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 **1001** 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

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

BUCHANAN INGERSOLL PC
(INCLUDING BURNS, DOANE, SWECKER & MATHIS)
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

COPY MAILED

SEP 0 9 2005

OFFICE OF PETITIONS

In re Application of :
Kim, et al. :
Application No. 10/845,256 : DECISION GRANTING PETITION
Filed: May 14, 2004 :
Attorney Docket No. 030681-656 :

This is a decision on the petition filed November 15, 2004, requesting that the above-identified application be accorded a filing date of May 14, 2004.

On May 14, 2004, the above-identified application was filed. On November 9, 2004, the Office of Initial Patent Examination mailed a "Notice of Incomplete Nonprovisional Application" (the "Notice"), stating that the application had not been accorded a filing date because no drawings were found with the application papers. The Notice allowed a non-extendable two-month period for reply to the requirement to file the drawings beginning from the mailing date of the Notice.

In response, on November 9, 2004, applicants filed the present petition, a copy of the drawings and a postcard receipt date-stamped by the Office acknowledging receipt of 9 sheets of drawing, among other items on May 14, 2004

Upon review of the record, the drawings were not located among the application papers. The evidence is convincing that the application papers deposited May 14, 2004, included the drawings. Therefore, the application, including the drawings was complete on filing and entitled to a filing date of May 14, 2004

Accordingly, the petition is granted.

The application file is being returned to the Office of Initial Patent Examination for further processing with a filing date of May 14, 2004 with the nine sheets of drawings as part of the original disclosure.

Any inquiries related to this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No.

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

COPY MAILED

JUN 20 2007

OFFICE OF PETITIONS

In re Application of :
Takahashi et al. :
Application No. 10/845,258 : DECISION ON
Filed: May 14, 2004 : PETITION
Attorney Docket No. Q80793 :

This is a decision on the PETITION FOR NEW OFFICE ACTION AND WITHDRAWAL OF HOLDING OF ABANDONMENT UNDER MPEP SECTION 7.11.03(c)(I) filed May 31, 2007.

The above-identified application became abandoned for failure to file a timely and proper reply to the non-final Office action mailed November 1, 2006. This Notice 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 February 2, 2007. A courtesy Notice of Abandonment was mailed on May 16, 2007.

In response, applicants filed the instant petition, asserting that the Office action was never received and requesting that the holding of abandonment be withdrawn.

A review of the application file reveals no irregularities in the mailing of the Office action mailed November 1, 2006. Thus, there is a strong presumption that the correspondence was properly mailed to the applicant at the correspondence address of record. In the absence of demonstrated irregularities in

mailing of this Notice, petitioner must submit evidence to overcome this presumption. The showing required 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. In addition, 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.

Petitioner has supported his claim of non-receipt with such evidence.

In view thereof, the notice of abandonment mailed May 16, 2007 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 1773 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 non-final Office action mailed November 1, 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.: X

DATE : June 09, 2008

TO SPE OF : ART UNIT 1794

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/845765 Patent No.: 7300692 B2

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

With respect to the change(s) requested to correct Office and/or Applicant's errors, should the patent read as shown in the certificate of correction attached herewith or the COCIN document(s), in IFW images for the above-identified patented application? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

If the response is for an IFW, within **7** days, please complete and forward the response, to the employee (named below) via scanning into application images, using document code **COCX**.

DO NOT SENT TO ATTORNEY

If the response is for a paper file wrapper, please complete the response and forward the response with the paper file wrapper, to the employee (named below), within **7** days, to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

You can fax the Directors/SPE response to 571-270-9990

LAMONTE NEWSOME
Certificates of Correction Branch
703-308-9390 ext. 112

Thank You For Your Assistance

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

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

Comments: _____

RENA DYE
SUPERVISORY PATENT EXAMINER

SPE

1794
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

STITES & HARBISON, PLLC
400 W MARKET ST
SUITE 1800
LOUISVILLE, KY 40202-3352

Mail Date: 04/21/2010

Applicant	: Ernest Betancourt	: DECISION ON REQUEST FOR
Patent Number	: 7590571	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/845,272	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/13/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1378** 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

SAND & SEBOLT
AEGIS TOWER, SUITE 1100
4940 MUNSON STREET, NW
CANTON, OH 44718-3615

COPY MAILED

MAY 09 2005

OFFICE OF PETITIONS

In re Application of :
Jeremy A. Lowder, et. al. :
Application No. 10/845,284 : NOTICE
Filed: May 13, 2004 :
Attorney Docket No. 1423-AC-CIP :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

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

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

This file is being referred to Technology Center Art Unit 3724 for further processing, in due course.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JJGJr: 03-05

Paper No: __

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

COPY MAILED

MAR 07 2005

OFFICE OF PETITIONS

In re Application of :
Wang, et al. :
Application No. 10/845,287 : DECISION ON PETITION
Filed: 12 , 2004 :
Attorney Docket No.: 018512-012110US :

This is a decision on the petition filed on 1 November, 2004, under 37 C.F.R. §1.10, seeking for the above-identified application a filing date of 12 May, 2004, instead of the presently accorded filing date of 13 May, 2004.

The petition is **GRANTED**.

BACKGROUND AND ANALYSIS

The record reflects that:

- the instant application was received and given a filing date of 13 May, 2004;
- the instant petition was submitted on 1 November, 2004;
- the materials submitted by Petitioner include copies of a USPS Express Mail Label No. EV332112633US, which, while it appears to have a "date in" indicated as "5/12/04" and USPS stamped mail date of "5/12/04," the Application Transmittal bearing the correlating

USPS Express Mail Label No.EV332112633US and with a Deposit Date of "5/12/04"), and Petitioner Annette S. Parent's (Reg. No. 42,058) statement of events attesting to the deposit on 12 May, 2004, and the accuracy of the document copies; and

- an electronic request to the USPS Track & Confirm website evidences a printout (a copy of which is being sent to be scanned into the record) stating that the USPS acknowledged "ACCEPTANCE" [of parcel bearing USPS Express Mail Label No.EV332112633US at] SAN FRANCISCO CA 94111 [on] 05/12/04 [at] **5: 33 p.m.**"–this information, along with Petitioner's statements and documents indicate that the package/application bearing USPS Express Mail Label No. EV332112633US was received by USPS on 12 May, 2004.

Accordingly the petition hereby is **granted**, and the petition fee is waived, and it appears that no fee was charged.

Petitioner is reminded that–given that the burden is on a petitioner to make a satisfactory showing in matters such as this–it is a good practice to obtain from the USPS website (within days of the shipment in order to ensure that information is available) and retain in Petitioner's file a printout/copy of the Track & Confirm data.

The instant file is released to OIPE to correct the filing date so as to accord to the instant application a filing date of 12 May, 2004, and to mail to Petitioner a corrected filing receipt reflecting a filing date of 12 May, 2004.

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

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

Gillon, John

From: USPS_Track_&_Confirm_ [USPS_Track_Confirm@usps.com]
Sent: Friday, March 04, 2005 12:07 PM
To: Gillon, John
Subject: U.S. Postal Service Track & Confirm email Restoration - EV33 2112 633U S

This is a post-only message. Please do not respond.

John Gillon has requested that you receive this restoration information for Track & Confirm as listed below.

Current Track & Confirm Info provided by the U.S. Postal Service, 03/04/05

Label Number: EV33 2112 633U S

Service Type: Express Mail - Post Office to Addressee

Shipment Activity	Location	Date & Time
DELIVERED 10:15am TO: J S	ALEXANDRIA VA 22313	05/14/04
ARRIVAL AT UNIT 8:52am	DULLES VA 20102	05/14/04
ENROUTE 6:49pm	SAN FRANCISCO CA 94125	05/12/04
ACCEPTANCE 5:33pm	SAN FRANCISCO CA 94111	05/12/04

USPS has not verified the validity of any email addresses submitted via its online Track & Confirm tool.

For more information, or if you have additional questions on Track & Confirm
services and features, please visit the Frequently Asked Questions (FAQs) section of our Track & Confirm site at
http://www.usps.com/shipping/trackandconfirmfaqs.htm

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAIL

JUL 1 3 2005

DIRECTOR OFFICE
TECHNOLOGY CENTER 2100

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

In re Application of: KITAMURA
Application No. 10/845,289
Filed: May 12, 2004
For: RECONFIGURING LOGICAL SETTINGS IN A STORAGE SYSTEM

DECISION ON PETITION
TO MAKE SPECIAL
(ACCELERATED EXAMINATION)
UNDER M.P.E.P. §708.02 (VIII)

This is a response to the petition filed 31 May 2005 under 37 C.F.R. §1.102(d) and M.P.E.P. §708.02 (VIII): Accelerated Examination, to make the above-identified application special.

The Petition is **DISMISSED**.

M.P.E.P. §708.02, Section VIII which sets out the prerequisites for a grantable petition for Accelerated Examination under 37 C.F.R. §1.102(d) states in relevant part:

A new application (one which has not received any examination by the examiner) may be granted special status provided that applicant (and this term includes applicant's attorney or agent) complies with each of the following items:

(a) Submits a petition to make special accompanied by the fee set forth in **37 CFR 1.17(h)**;

(b) Presents all claims directed to a single invention, or if the Office determines that all the claims presented are not obviously directed to a single invention, will make an election without traverse as a prerequisite to the grant of special status;

(c) Submits a statement(s) that a pre-examination search was made, listing the field of search by class and subclass, publication, Chemical Abstracts, foreign patents, etc. The pre-examination search must be directed to the invention as claimed in the application for which special status is requested. A search made by a foreign patent office satisfies this requirement;

(d) Submits one copy each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and

(e) Submits a detailed discussion of the references, which discussion points out, with the particularity required by 37 CFR 1.111 (b) and (c), how the claimed subject matter is patentable over the references.

In those instances where the request for this special status does not meet all the prerequisites set forth above, **applicant will be notified and the defects in the request will be stated**. The application will remain in the status of a new application awaiting action in its regular turn. In those instances where a request is defective in one or more respects, applicant will be given one opportunity to perfect the request in a renewed petition to make special. If perfected, the request will then be granted. If not perfected in the first renewed petition, any additional renewed petitions to make special may or may not be considered at the discretion of the Technology Center (TC) Special Program Examiner.

The petition filed 31 May 2005 fails to adequately meet requirement (e) of the criteria set forth above. The discussion of the references does not point out with the particularity required by 37 CFR 1.111(b) and (c) how the claimed subject matter is patentable over the references. The discussion fails to point out how each reference defines over each independent claim. Some of the limitations purported to distinguish independent claims 10 and 17 from the references are not in these claims. Some examples follow.
-Claim 10 fails to require "performing a communication test to a device that corresponds to a candidate port".
-Claim 17 fails to require that the "device of the candidate port is associated with the *target* port" (emphasis added).
Additionally, for each of the references deemed most closely related, petitioner states that the "reference *appears to* fail to either anticipate or render obvious at least the following limitation" (emphasis added). It is not clear if petitioner is asserting that the reference fails to teach a particular feature or not. Consequently, petitioner fails to point out the specific distinctions believed to render the claims patentable.

Petition to Make Special **DISMISSED**.

Petitioner is given one opportunity to perfect the petition. Any request for reconsideration must be filed within TWO MONTHS of the mail date of this decision.

Until the renewed petition is submitted, the application will be returned to the examiner's docket to await treatment on the merits in the normal order of examination.

Pinchus M. Laufer
Special Program Examiner
Technology Center 2100
Computer Architecture, Software and Information Security
571-272-3599

ds

UNITED STATES PATENT AND TRADEMARK OFFICE

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

George Yee
TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834

MAILED

SEP 2 8 2005

Technology Center 2100

In re Application of:
Manabu KITAMURA
Application No. 10/845,289
Filed: May 12, 2004
For: RECONFIGURING LOGICAL SETTING IN A STORAGE SYSTEM

DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the renewed petition, filed on August 29, 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.

Applicant's submission of August 29, 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

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

HOWREY LLP-CA
C/O IP DOCKETING DEPARTMENT
2941 FAIRVIEW PARK DRIVE, SUITE 200
FALLS CHURCH, VA 22042-2924

MAILED

MAR 15 2010

OFFICE OF PETITIONS

In re Patent No. 7,052,571	:	
Issue Date: May 30, 2006	:	
Application No. 10/845,295	:	NOTICE
Filed: May 12, 2004	:	
Attorney Docket No. 07783.0002.CPUS11	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

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

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

This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-6059.

The patent file will be forwarded to the Files Repository.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED
FROM DIRECTORS OFFICE

FEB 03 2005

TECHNOLOGY CENTER 3600

Marshall G. MacFarlane
YOUNG & BASILE, P.C.
3001 West Big Beaver Road, Suite 624
Troy, MI 48084-3107

In re application of : **DECISION ON PETITION**
Robert M. Ransom et al : **TO MAKE SPECIAL**
Application No. 10/845,309 : **(INFRINGEMENT)**
Filed: May 13, 2004 :
For: COLLAPSIBLE STRUCTURE WITH TOP SUPPORTING ELEMENTS

This is a decision on the petition under 37 C.F.R §1.102(d) filed December 22, 2004 to make the above-identified application special. The petition requests that the above-identified application be made special under the procedure set forth in M.P.E.P. § 708.02, item II: Infringement.

MPEP 708.02 states that a Petition to Make Special based on Infringement must have the following: (1) the appropriate petition fee under 37 CFR 1.17(h); (2) a statement by the assignee, applicant, or attorney alleging: (A) that there is an infringing device or product actually on the market or method in use; (B) that a rigid comparison of the alleged infringing device, product or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed; and (C) that he or she has made a careful and thorough search of the prior art, or has good knowledge of the prior art, and has sent a copy of the references deemed most closely related to the subject matter encompassed by the claims.

The petition filed December 22, 2004 lacks requirements 2(A) above. Applicant has not set forth that the actual infringing device(s) or product(s) are actually on the market or the actual infringing method(s) are in use.

In view of these deficiencies, the petition is **DISMISSED**.

Any request for reconsideration must be filed within TWO MONTHS of the date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Should petitioner desire reconsideration, he should supplement this petition by a declaration or statement giving the information as outlined above.

Applicant should promptly submit a renewed petition to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. The envelope should indicate that the correspondence be brought to the attention of Technology Center 3600.

Until the renewed petition is submitted, the application will be returned to the examiner's docket to await treatment on the merits in the normal order of examination.

Kenneth J. Dorner
Special Programs Examiner
Technology Center 3600
(703) 308-0866

KJD/jwk: 1/24/05

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JUN - 6 2005

MARSHALL G. MACFARLANE
YOUNG & BASILE, P.C.
SUITE 624
3001 WEST BIG BEAVER ROAD
TROY, MI 48084

In re application of : **DECISION ON PETITION**
Robert M. Ransom et al. : **TO MAKE SPECIAL**
Application No. 10/845,309 : **(INFRINGEMENT)**
Filed: May 13, 2004 :
For: COLLAPSIBLE STRUCTURE WITH TOP SUPPORTING ELEMENTS

This is a decision on the petition under 37 C.F.R § 1.102(d) filed March 04, 2005 to make the above-identified application special.

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

MPEP 708.02 states that a Petition to Make Special based on Infringement must have the following: (1) the appropriate petition fee under 37 CFR 1.17(i); (2) a statement by the assignee, applicant, or attorney alleging: (A) that there is an infringing device or product actually on the market or method in use; (B) that a rigid comparison of the alleged infringing device, product or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed; and (C) that he or she has made a careful and thorough search of the prior art, or has good knowledge of the prior art, and has sent a copy of the references deemed most closely related to the subject matter encompassed by the claims.

The petition filed March 04, 2005 meets all of the requirements above and, therefore, the petition is **GRANTED**.

With regards to element 2(C) above, an Information Disclosure Statement was filed on March 04, 2005.

The examiner is directed (1) to make an interference search for possible interfering applications; (2) to promptly examine this application out of turn; and (3) if any interfering application is discovered, to examine such application

simultaneously and state in the first official letter of such application that it is being taken out of turn because of a possible interference.

Petitioner is advised that this application will continue to be special, throughout its entire prosecution and pendency, including interference and appeal, if any, only if petitioner makes a prompt *bona fide* effort, in response to each Office action, to place the application in condition for allowance, even if it is necessary to conduct an interview with the examiner to accomplish this purpose.

Randolph A. Reese
Special Programs Examiner
Technology Center 3600
(571) 272-6619

RAR/slb: 04/27/05

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MANDEL & ADRIANO
55 SOUTH LAKE AVENUE
SUITE 710
PASADENA CA 91101

COPY MAILED

MAR 1 8 2005

OFFICE OF PETITIONS

In re Application of :
Katz, et al. :
Application No. 10/845,315 : DECISION ACCORDING STATUS
Filed: May 12, 2004 : UNDER 37 CFR 1.47(a)
Attorney Docket No. 30448.77USI3 SBA :
For: ADIPOSE-DERIVED STEM CELLS AND LATTICES :

This is in response to the petition under 37 CFR 1.47(a), filed February 25, 2005 (certificate of mailing date February 22, 2005).

The petition is granted.

Petitioners have shown that the non-signing inventors, Adam Katz, J. William Futrell, and Ramon Llull, have constructively refused to join in the filing of the above-identified application. Specifically, the petition signed by Attorney Sarah B. Adriano and accompanying exhibits establish that the non-signing inventors' representatives were successfully mailed the application papers, including the specification, claims and drawings, but the representatives failed to return declarations executed by the inventors within reasonable amount of time. Petitioners have submitted a declaration in compliance with 37 CFR 1.63 and 1.64.

Regarding finances, the current Rule 47 petition fee is $200.00. Petitioners have submitted only $130.00. Pursuant to petitioners' authorization, deposit account no. 50-0306 will be charged the $70.00 balance due.

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 Technology Center AU 2631 for examination in due course.

Telephone inquiries 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

ADAM KATZ
503 BROADLEAF WAY
CHARLOTTESVILLE, VA 22911

COPY MAILED

MAR 1 8 2005

OFFICE OF PETITIONS

In re Application of
Katz, et al.
Application No. 10/845,315
Filed: May 12, 2004
Attorney Docket No. 30448.77USI3 SBA
For: ADIPOSE-DERIVED STEM CELLS AND LATTICES

LETTER

Dear Mr. Katz:

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: MANDEL & ADRIANO
55 SOUTH LAKE AVENUE
SUITE 710
PASADENA CA 91101

UNITED STATES PATENT AND TRADEMARK OFFICE

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

J. WILLIAM FUTRELL
1 SWEETWATER LANE
PITTSBURGH, PA 15238

COPY MAILED

MAR 1 8 2005

OFFICE OF PETITIONS

In re Application of :
Katz, et al. :
Application No. 10/845,315 :
Filed: May 12, 2004 :
Attorney Docket No. 30448.77USI3 SBA :
For: ADIPOSE-DERIVED STEM CELLS AND LATTICES :

LETTER

Dear Mr. Futrell:

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

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

ATTORNEY OF RECORD: MANDEL & ADRIANO
55 SOUTH LAKE AVENUE
SUITE 710
PASADENA CA 91101

UNITED STATES PATENT AND TRADEMARK OFFICE

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

RAMON LLULL
PLACA HOSTELS
10-A SANTA MARIA
MALLORCA, BALEARIC ISLES
SPAIN, 07320

COPY MAILED

MAR 1 8 2005

OFFICE OF PETITIONS

In re Application of
Katz, et al.
Application No. 10/845,315
Filed: May 12, 2004
Attorney Docket No. 30448.77USI3 SBA
For: ADIPOSE-DERIVED STEM CELLS AND LATTICES

LETTER

Dear Mr. Llull:

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: MANDEL & ADRIANO
55 SOUTH LAKE AVENUE
SUITE 710
PASADENA CA 91101

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DARBY & DARBY P.C.
P.O. BOX 770
CHURCH STREET STATION
NEW YORK NY 10008-0770

COPY MAILED

AUG 0 8 2007

OFFICE OF PETITIONS

In re Patent No. 7,214,267
Issued: May 8, 2007
Application No. 10/845,322
Filed: May 12, 2004
Attorney Docket Number: **09853/0201089-US0**

ON PETITION

This is a decision on the petition for correction of assignee's name, filed May 17, 2007 under 37 CFR 1.183. The petition is treated under 37 CFR 3.81(b)[1]

The petition is **GRANTED**.

Petitioner states that the assignee information was incorrectly listed on the Fee(s) Transmittal form PTOL-85(b) and it was an inadvertent error on the part of the applicant. Accordingly, petitioner requests that a certificate of correction be issued to reflect the correct assignee on the front 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 request is accompanied by a certificate of correction (and fee) as required by 3.81(b). Further, Office assignment records reflect that SUMITOMO MITSUBISHI SILICON CORPORATION is the assignee of record. Accordingly, as the request

---

[1] *See* Official Gazette of June 22, 2004

complies with the provisions of 37 CFR 3.81(b), it would be appropriate for a certificate of correction to issue.

Inquiries concerning this decision should be directed to the undersigned at (571) 272-3212. Any questions concerning the issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (703) 305-8309.

This matter is being referred to the Certificates of Correction Branch for issuance of a certificate of correction.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

KEY SAFTEY SYSTEMS INC
PATENT DEPARTMENT
5300 ALLEN K BREED HWY
LAKELAND FL 33811-1130

COPY MAILED

JAN 1 0 2005

OFFICE OF PETITIONS

In re Application of :
Pettypiece, et al. :
Application No. 10/845,326 : DECISION ON PETITION
Filed: May 14, 2004 :
Attorney Docket No. 1451 DIV 2 US :

This is a decision on the paper titled "PETITION SUBMITTING MISSING PARTS", filed August 16, 2004, requesting that the above identified application be accorded a filing date of May 14, 2004, with Figures 10 and 11 of the drawings as part of the original disclosure.

The petition is **DISMISSED**.

The application was filed on May 14, 2004. However, on July 14, 2003, the Office mailed a "Notice of Omitted Item(s) in a Nonprovisional Application", stating that the application had been accorded a filing date of May 14, 2004, and informing applicants that the drawing of Figures 10 and 11 described in the specification appeared to have been omitted.

In response, the present petition was filed. Petitioner has not submitted *prima facie* in the form of a USPTO date stamped

postcard receipt itemizing Figures 10 and 11.[1] However, a review of the application file reveals that the application transmittal letter included an incorporation by reference statement.

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 added).

Obviously, in view of the incorporation by reference of parent application no. 10/382,538, the drawings of Figures 10 and 11 are not new matter if they were a part of the disclosure of that application.

The petition fee of $130 has been charged to petitioner's deposit account, as authorized.

The application is being returned to Group Art Unit 2862 for consideration of the drawing figures submitted August 16, 2004.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Cliff Congo at 571-272-3207.

Charles Pearson
Director
Office of Petitions

---

[1] Petitioner did state that Figures 10 and 11 are not missing from his files, and that he has received no indication from to PTO that Figures 10 and 11 were not submitted in two related divisional applications. However, these facts are not persuasive evidence that Figures 10 and 11 were filed in the instant 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

KEY SAFTEY SYSTEMS INC
PATENT DEPARTMENT
5300 ALLEN K BREED HWY
LAKELAND FL 33811-1130

COPY MAILED

JAN 10 2005

OFFICE OF PETITIONS

In re Application of :
Pettypiece, et al. :
Application No. 10/845,326 : DECISION ON PETITION
Filed: May 14, 2004 :
Attorney Docket No. 1451 DIV 2 US :

This is a decision on the paper titled "PETITION SUBMITTING MISSING PARTS", filed August 16, 2004, requesting that the above identified application be accorded a filing date of May 14, 2004, with Figures 10 and 11 of the drawings as part of the original disclosure.

The petition is **DISMISSED**.

The application was filed on May 14, 2004. However, on July 14, 2003, the Office mailed a "Notice of Omitted Item(s) in a Nonprovisional Application", stating that the application had been accorded a filing date of May 14, 2004, and informing applicants that the drawing of Figures 10 and 11 described in the specification appeared to have been omitted.

In response, the present petition was filed. Petitioner has not submitted *prima facie* in the form of a USPTO date stamped

postcard receipt itemizing Figures 10 and 11.[1] However, a review of the application file reveals that the application transmittal letter included an incorporation by reference statement.

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 added).

Obviously, in view of the incorporation by reference of parent application no. 10/382,538, the drawings of Figures 10 and 11 are not new matter if they were a part of the disclosure of that application.

The petition fee of $130 has been charged to petitioner's deposit account, as authorized.

The application is being returned to Group Art Unit 2862 for consideration of the drawing figures submitted August 16, 2004.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Cliff Congo at 571-272-3207.

Charles Pearson
Director
Office of Petitions

---

[1] Petitioner did state that Figures 10 and 11 are not missing from his files, and that he has received no indication from to PTO that Figures 10 and 11 were not submitted in two related divisional applications. However, these facts are not persuasive evidence that Figures 10 and 11 were filed in the instant application.

MAILED
FROM DIRECTOR'S OFFICE
AUG 16 2006
TECHNOLOGY CENTER 3600

UNITED STATES PATENT AND TRADEMARK OFFICE

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

CALIF KIP TERVO
6387 CAMINITO LAZARO
SAN DIEGO, CA 92111

In re application of	:	**DECISION ON PETITION**
James Oliver et al.	:	**TO MAKE SPECIAL**
Application No. 10/845,339	:	**(ACCELERATED**
Filed: May 13, 2004	:	**EXAMINATION)**
For: SUPPORT FOR MANUFACTURED HOUSING	:	

This is in response to the petition filed on May 13, 2004 to make the above-identified application special on the basis of special examining procedure for certain new applications - accelerated examination as set forth in MPEP § 708.02 VIII.

The requirements for granting special status under this section are: (A) a petition to make special accompanied by the fee set forth in 37 CFR 1.17(h); (B) all claims being directed to a single invention, or an election without traverse if the Office determines that all the claims are not directed to a single invention; (C) a statement that a pre-examination search was made listing the field of search; (D) one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and (E) a detailed discussion of how the claimed subject matter is patentable over the references in accordance with 37 CFR 1.111 (b) and (c).

The petition fails to adequately meet requirements (B) above. In this regard, item (B) is not met because the petition fails to include an election without traverse, or a statement that applicants are willing to elect without traverse should a restriction or election be required.

For the above stated reasons, the petition is **DISMISSED**.

Petitioner is given one more opportunity to perfect the petition. Any request for reconsideration must be filed within TWO MONTHS of the date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted.

Applicant should promptly submit a renewed petition to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. The envelope should indicate that the correspondence be brought to the attention of Technology Center 3600.

Until the renewed petition is submitted, the application will be returned to the examiner's docket to await treatment on the merits in the normal order of examination.

Kenneth Dorner
Special Programs Examiner
Technology Center 3600
(571) 272-6587

KJD/slb: 07/26/2006

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED
FROM DIRECTOR'S OFFICE
NOV 01 2006
TECHNOLOGY CENTER 3600

CALIF KIP TERVO
6387 CAMINITO LAZARO
SAN DIEGO, CA 92111

In re application of : **DECISION ON PETITION**
James Oliver et al. : **TO MAKE SPECIAL**
Application No. 10/845,339 : **(ACCELERATED**
Filed: May 13, 2004 : **EXAMINATION)**
For: SUPPORT FOR MANUFACTURED HOUSING

This is in response to the renewed petition filed on September 05, 2006 to make the above-identified application special on the basis of special examining procedure for certain new applications -accelerated examination as set forth in MPEP § 708.02 VIII.

The requirements for granting special status under this section are: (A) a petition to make special accompanied by the fee set forth in 37 CFR 1.17(i); (B) all claims being directed to a single invention, or an election without traverse if the Office determines that all the claims are not directed to a single invention; (C) a statement that a pre-examination search was made listing the field of search; (D) one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and (E) a detailed discussion of how the claimed subject matter is patentable over the references in accordance with 37 CFR 1.111 (b) and (c).

Since all of the requirements for special status under MPEP § 708.02 VIII have been met, the petition is **GRANTED**.

The examiner is directed (1) to make an interference search for possible interfering applications, (2) to promptly examine this application out of turn, and (3) if any interfering application is discovered, to examine such application simultaneously and state in the first official letter of such application that it is being taken out of turn because of a possible interference.

Petitioner is advised that this application will continue to be special, throughout its entire prosecution and pendency, including interference or appeal, if any, only if petitioner makes a prompt ***bona fide*** effort, in response to each Office action, to place the application in condition for allowance, even if it is necessary to conduct an interview with the examiner to accomplish this purpose.

SUMMARY: Petition to Make Special **GRANTED.**

Steven N. Meyers
Special Programs Examiner
Technology Center 3600
(571) 272-6611

SNM/slb: 10/24/06

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JJGJr: 09-04

Paper No: __

ROGITZ & ASSOCIATES
SUITE 3120
750 B STREET
SAN DIEGO CA 92101

COPY MAILED

SEP 17 2004

OFFICE OF PETITIONS

In re Application of :
Dacosta :
Application No. 10/845,341 : ON PETITION
Filed/Deposited: 13 May, 2004 :
Attorney Docket No. 50T5776.02 :

This is a decision on the petition filed on 26 July, 2004, nominally as a "Petition Response to Notice of Omitted Items," and considered under 37 C.F.R. §1.53, to obtain a filing date of 13 May, 2004, for Fig(s). 3 and 4 as described in the specification.

For the reasons set forth below, the petition is **DISMISSED**.

BACKGROUND

This application was deposited on 13 May, 2004.

On 15 July, 2004, the Office mailed a Notice of Omitted Items in a Nonprovisional Application (the 15 July Notice) indicating that, while a filing date had been accorded, it appeared that Figure(s) 3 & 4 as described in the specification had been omitted. Further, Petitioner was reminded that the alternatives were to accept the filing date and the application in the form deposited, or submit evidence (date stamped receipt card) that the Office received the drawings in question (along with substitute copies of the drawings), or submit the drawings and accept the new filing date as of the date of their submission.

Instead, Petitioner:

- first submitted the drawings, alleging that they contained no new matter and requested a filing date contemporaneous with that submission (i.e., 20 July, 2004); and

- then petitioned (with fee) on 26 July, 2004, to retain the original filing date of 13 May, 2004.

Analysis

A search of the official file reveals that on 13 May, 2004, Petitioner deposited the instant application with 10 pages of specification, 5 pages of claims, 1 page abstract, and 2 sheets of drawings Figures 1and 2. At that time and that deposit neither drawing Figures 3 or 4 accompanied the application as deposited. (While the instant application stated therein on the first page of the specification that this was a "Continuation-In-Part of U.S. patent application serial no. 10/782,265, filed on February 19, 2004," neither the transmittal nor the specification seem to contain any language incorporating by reference into the instant application the disclosure of the parent.) Petitioner alleges that the disclosure of the specification as deposited on 13 May, 2004, contains the information set forth at Figures 3 and 4.

Petitioner's two requests, that of 20 July and 26 July, 2004, are in conflict–with the former requesting a later filing date and the later requesting the earlier filing date.

CONCLUSION

The petition is **dismissed**.

As a matter of expediting prosecution, Petitioner may submit a preliminary amendment deleting from the specification the references to Figures 3 and 4, and seek entry of that amendment by the Examiner.

The instant application is released to OIPE for further processing as necessary consistent with this decision, maintaining the original application filing date of 13 May, 2004, using the application papers filed on that date, and an indication that drawing Figures 3 and 4 **were not** present on filing and that no drawing Figures 3 and 4 are part of the nonprovisional application disclosure, before being forwarded for examination 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

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

Patent Docket Department
Armstrong Teasdale LLP
One Metropolitan Square
Suite 2600
St. Louis, MO 63102-2740

Mail Date: 04/20/2010

Applicant	: Ashish A. Pandya	: DECISION ON REQUEST FOR
Patent Number	: 7631107	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/845,345	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/12/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1101** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Patent Docket Department
Armstrong Teasdale LLP
One Metropolitan Square
Suite 2600
St. Louis, MO 63102-2740

Mail Date: 05/17/2010

Applicant : Ashish A. Pandya
Patent Number : 7631107
Issue Date : 12/08/2009
Application No: 10/845,345
Filed : 05/12/2004

: 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 **1179** 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

OFFICE

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
10/845349	05/14/04	WAKAZONO, YOSHIO	253154US3

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

EXAMINER	
ROSS DANA	
ART UNIT	PAPER NUMBER

DATE MAILED: 4/2/07

NOTICE OF RESCINDED ABANDONMENT

☐ In response to your communication filed 2/20/07

☒ Through inadvertence, a Notice of Abandonment was mailed in the above-identified application. The Notice of Abandonment is hereby rescinded.

For
Manager, Publications Division
Office of Patent Publication
571-272-4200

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COPY MAILED

DEC 17 2007

OFFICE OF PETITIONS

STEPHEN R. GREINER
GREINER LAW OFFICES, P.C.
6701 DEMOCRACY BLVD., SUITE 110
BETHESDA, MD 20817

In re Application of :
Cherryll A. Leblanc :
Application No. 10/845,350 : ON PETITION
Filed: May 14, 2004 :
Attorney Docket No. 3344.02 :

This is a decision on the petition under 37 CFR 1.137(b), filed August 27, 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 January 10, 2007, 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 April 11, 2007.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the $510 extension of time submitted with the petition on August 27, 2007 was subsequent to the maximum extendable period for reply, petitioner may request a refund of this fee by writing to Mail Stop 16, Refund Requests. A copy of this decision should accompany petitioner's request.

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

This matter is being referred to Technology Center AU 3732 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

COPY MAILED

OCT 13 2006

OFFICE OF PETITIONS

Orum & Roth LLC
53 W Jackson Boulevard
Chicago IL 60604-3606

In re Application of :
GOTTFRIES, et al. :
Application No. 10/845,363 : DECISION ON PETITION
Filed: May 13, 2004 : TO WITHDRAW
Attorney Docket No. 13863 : 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 June 27, 2006, which set forth a three month shortened statutory period for reply. Extensions of time under 37 CFR 1.136(a) were available. To date, there is no indication that a reply to the Office action of June 27, 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

cc: Carl-Gerhard Gottfries
Svalebogatan 22
Goteborg, SE-414 75
SWEDEN

UNITED STATES PATENT AND TRADEMARK OFFICE

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

SHEPPARD, MULLIN, RICHTER & HAMPTON
LLP
333 SOUTH HOPE STREET
48TH FLOOR
LOS ANGELES, CA 90071-1448

MAIL

OCT 26 2004

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application of :
Bradley T. Collar, et al. :
Application No. 10/845,369 : DECISION ON PETITION
Filed: May 12, 2004 : TO MAKE SPECIAL
For: RANDOM SELECTION PROGRAM FOR AN :
OPTICAL DISC AND RELATED METHOD :

This is a decision on the petition filed September 20, 2004 under 37 CFR §1.102(d) to make the application special.

A grantable petition under 37 CFR §1.102(d) and MPEP §708.02, section II (Infringement), must be accompanied by the required fee and a statement alleging:

(1) that there is an infringing device or product actually on the market or method in use;
(2) that a rigid comparison of the alleged infringing device, product, or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed; and
(3) that he or she has made or caused to be made a careful and thorough search of the prior art or has a good knowledge of the pertinent prior art. Further, Applicant must provide a copy of each of the references deemed most closely related to the subject matter encompassed by the claims if the references are not already of record.

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

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

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

Kenneth A. Wieder
Special Program Examiner
Technology Center 2600
Communications
(571) 272-2986

UNITED STATES PATENT AND TRADEMARK OFFICE

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

SEP 21 2004

In re Application of :
Richard J. Walrath :
Application No. 10/845,379 : DECISION ON PETITION
Filed: May 14, 2004 :
Attorney Docket No. COP/DM-1 :

This is a decision on the petition to make special filed on June 28, 2004. The petition is submitted pursuant to the practice established in MPEP § 708.02(II) "Infringement." The $130.00 petition fee has been received.

The petition is granted.

A review of the petition shows that petitioner has satisfied all of the requirements of the above-cited MPEP section. Accordingly, the examiner will treat this application as special throughout its prosecution. Prior to the first action on the merits, the examiner will conduct a rigorous search for potentially interfering applications. The interference search will be brought up to date prior to each successive action.

The Supervisory Patent Examiner of Patent Examining Art Unit 3722 will be notified of this decision, and will inform the assigned examiner to take action not inconsistent there with this decision.

PETITION GRANTED.

Stephen Marcus, Special Program Examiner
Technology Center 3700

John F. McDevitt
#626
2255 Par Lane
Willoughby Hills, OH 44094

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

COPY MAILED

OCT 23 2009

OFFICE OF PETITIONS

In re Patent No. 6,899,494
Issue Date: May 31, 2005
Application No. 10/845,379
Filed: May 14, 2004
Attorney Docket No. 3343.003

ON PETITION

This is a decision on the petition under 37 CFR 1.378(c), filed September 9, 2009, to accept the unintentionally delayed payment of a maintenance fee for the above-identified patent.

The petition is **GRANTED**.

This patent expired on June 1, 2009 for failure to pay the 3 ½ 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).

Pursuant to petitioner's authorization, deposit account no. 08-1935 is being charged the $1,640.00 surcharge, as required by 37 CFR 1.20(i)(2), and the $490.00 small entity 3 ½ year maintenance fee.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that the delay in paying the maintenance fee under 37 CFR 1.378(c) was intentional, petitioner must notify the Office.

The maintenance fee is hereby accepted and the above-identified patent is reinstated as of the mail date of this decision.

The revocation/power of attorney/change of correspondence address has been accepted and made of record. Please find enclosed a Notice of Acceptance of Power of Attorney.

Telephone inquiries concerning this decision should be directed to the undersigned at (571)272-3230.

The patent file is being forwarded to Files Repository.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

ENCLOSURE: Notice of Acceptance of Power of Attorney

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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
10/845,379	05/14/2004	Richard J. Walrath	DM-1

CONFIRMATION NO. 8021

Robert B. Sundheim
Tarolli, Sundheim, Covell & Tummino LLP
1300 East Nineth Street
Cleveland, OH 44114

POWER OF ATTORNEY NOTICE

OC000000038229684

Date Mailed: 10/13/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/09/2009.

- The Power of Attorney to you in this application has been revoked by the applicant. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/swbrantley/

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

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
10/845,379	05/14/2004	Richard J. Walrath	DM-1

CONFIRMATION NO. 8021

POA ACCEPTANCE LETTER

23405
HESLIN ROTHENBERG FARLEY & MESITI PC
5 COLUMBIA CIRCLE
ALBANY, NY 12203

Date Mailed: 10/13/2009

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/09/2009.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/swbrantley/

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

Martin D. Haske
77 Pond Ave.
C 609
Brookline. MA 02445

COPY MAILED

JUN 14 2007

OFFICE OF PETITIONS

In re Application of :
Martin D. Haske :
Application No. 10/845,386 : ON PETITION
Filed: May 13, 2004 :
Attorney Docket No. 530010-0013 :

This is a decision on the petition under 37 CFR 1.137(b), filed on January 4, 2007, to revive the above-identified application.

The application became abandoned for failure to timely respond to the Notice of Allowability mailed July 19, 2006. A Notice of Abandonment was mailed on December 13, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment with replacement drawings; (2) the petition fee of $750; and (3) an adequate statement of unintentional delay. Therefore, the petition is **GRANTED**.

This application file is being referred to Technology Center Art Unit 2877, for consideration of the petition under 37 CFR 1.84, to accept color drawings filed on January 4, 2007.

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

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/845,386	05/13/2004	Martin D. Haske	530010-0013	8073

7590 10/26/2007

Martin D Haske
77 Pond Ave.
C 609
Brookline, MA 02445

EXAMINER	
PUNNOOSE, ROY M	

ART UNIT	PAPER NUMBER
2877	

MAIL DATE	DELIVERY MODE
10/26/2007	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.

UNITED STATES 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. 20071025

Martin D Haske
77 Pond Ave.
C 609
Brookline MA 02445

MAILED FROM
DIRECTORS OFFICE
OCT 26 2007
TECHNOLOGY CENTER 2800

In re Application of:	:	
Martin D. Haske	:	PETITION TO ACCEPT COLOR
Serial No.: 10/845,386	:	DRAWINGS
Filed: May 13, 2004	:	UNDER 37 CFR § 1.84(a)(2)
Attorney Docket No.: 530010-0013	:	

This is a decision on the petition filed January 4, 2007 to accept color drawings under 37 CFR § 1.84(a)(2).

The petition is granted and the drawings have been accepted.

Gregory J. Toatley Jr.
Supervisory Patent Examiner,
Art Unit 2877

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

CROMPTON, SEAGER & TUFTE, LLC
1221 NICOLLET AVENUE
SUITE 800
MINNEAPOLIS, MN 55403-2420

Mail Date: 04/21/2010

Applicant	: Alan E. Shluzas	: DECISION ON REQUEST FOR
Patent Number	: 7645232	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/845,389	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/13/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1071** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No.

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

COPY MAILED

NOV 0 5 2004

OFFICE OF PETITIONS

In re Application of :
Gilbert et al. :
Application No. 10/845,408 : NOTICE
Filed: May 12, 2004 :
Attorney Docket No. 019633-000120US:

This is a notice regarding your letter received September 24, 2004, requesting acceptance of a fee deficiency submission as provided for in 37 CFR 1.28.

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.

The instant request included an itemization and payment of the deficiency in payment of the statutory basic filing fee.

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

Payment of the deficiency has been treated under § 1.27(g)(2) as a notification of a loss of entitlement to small entity status.

The application will be examined in Technology Center 1632 in due course.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

CHUN-POK LEUNG
TOWNSEND AND TOWNSEND AND CREW LLP
TWO EMBARCADERO CENTER
8TH FLOOR
SAN FRANCISCO, CA 94111-3834

MAIL

JUL 2 9 2005

DIRECTOR OFFICE
TECHNOLOGY CENTER 2100

In re Application of: Watanabe, et al.
Application No. 10/845,409
Filed: 12 May 2004
For: STORAGE SYSTEM

DECISION ON PETITION
TO MAKE SPECIAL
(ACCELERATED EXAMINATION)
UNDER M.P.E.P. §708.02 (VIII)

This is a decision on the petition filed 6 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.

The petition filed 6 June 2004 fails to adequately meet requirement (d) of the criteria set forth above. With respect to requirement (d), the petition identified nine references most relevant to the claims. However, the seventh reference, "Iseries and External Storage", Nick Harris 2001, was not found with the petition nor was it previously made a part of the record in a 1449--IDS.

Accelerated Examination under 37 C.F.R. § 102(d) requires the Petitioner to furnish all references that are deemed most closely related to the subject matter. Consequently, Petitioner must submit a copy of "Iseries and External Storage", Nick Harris 2001, in order to satisfy the requirements set forth in section (d) supra.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED

MAY 17 2006

TECHNOLOGY CENTER 2100

In re Application of: Watanabe, et al.
Application No. 10/845,409
Filed: 12 May 2004
For: STORAGE SYSTEM

DECISION ON PETITION
TO MAKE SPECIAL
(ACCELERATED EXAMINATION)
UNDER M.P.E.P. §708.02 (VIII)

This is a decision on the renewed petition filed 9 August 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 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 Programs Examiner
Technology Center 2100
Computer Architecture, Software and Information Security
571-272-3595

GO

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

COPY MAILED

OCT 1 4 2004

OFFICE OF PETITIONS

In re Application of :
Gilbert, et al. :
Application No. 10/845,412 :
Filed: May 12, 2004 :
Attorney Docket No. 019633-000119US :

NOTIFICATION UNDER
37 CFR 1.28(c)

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28(c), filed September 24, 2004.

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." Accordingly, the fee deficiency submission under 37 CFR 1.28 is hereby accepted.

The change of status to a large entity has been entered and made of record.

This application will be forwarded to Technology Center 1600 for examination *in due course*.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3228.

Edward J. Tannouse
Petitions Attorney
Office of Petitions
United States Patent and Trademark Office

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DONALD W. MEEKER
PATENT AGENT
924 EAST OCEAN FRONT #E
NEWPORT BEACH, CA 92661

COPY MAILED

JUN 26 2007

OFFICE OF PETITIONS

In re Application of
Brad S. Gould
Application No. 10/845,428
Filed: May 12, 2004
Attorney Docket No. None

ON PETITION

This is a decision in response to the petition, filed February 9, 2007, 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 a non-final Office action mailed September 22, 2004. A Notice of Abandonment was mailed on April 26, 2005. On February 9, 2007, the present petition was filed.

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

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of amendment; (2) the petition fee of $750; and (3) an adequate statement of unintentional delay.

The application is being referred to Technology Center AU 3644 for consideration of the amendment filed February 9, 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Fernandez & Associates, LLP
P.O. Box D
Menlo Park, CA 94026-6402

COPY MAILED

JUL 24 2006

OFFICE OF PETITIONS

In re Application of	:	
Ishikawa, et. al.	:	DECISION ON REQUEST
Application No. 10/845,436	:	TO WITHDRAW FROM
Filed: May 12, 2004	:	RECORD
Attorney Docket No. BAY-P010	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b) or 37 CFR § 10.40, filed on May 9, 2005.

The request to withdraw as attorney or agent is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to all the attorneys or agents of record, including those associated with Customer No. 22877 have been revoked by the assignee of the patent application, on June 24, 2005. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is moot.

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

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

Andrea Smith
Petitions Examiner
Office of Petitions

cc: ORRICK, HERRINGTON & SUTCLIFFE, LLP
IP PROSECUTION DEPARTMENT
4 PARK PLAZA
SUITE 1600
IRVINE, CA 92614-2558

FERNANDEZ & ASSOCIATES, LLP
1047 EL CAMINO REAL
SUITE 201
MENLO PARK, CA 94025

UNITED STATES PATENT AND TRADEMARK OFFICE

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

REED SMITH, LLP
TWO EMBARCADERO CENTER
SUITE 2000
SAN FRANCISCO CA 94111

COPY MAILED

OCT 1 0 2006

OFFICE OF PETITIONS

In re Application of :
Berman :
Application No. 10/845459 : DECISION ON PETITION
Filed: May 13, 2004 : TO WITHDRAW
Attorney Docket No. 356508.02101 : 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 14, 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 Doyle B. Johnson 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 correspondence address of record has been changed and the new correspondence address is the address indicated below.

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

April M. Wise
Petitions Examiner
Office of Petitions

cc: ARTHUR BERMAN
10440 BUBB ROAD
SUITE B
CUPERTINO, CA 95014

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
10/845,459	05/13/2004	Arthur Berman	356508.02101

CONFIRMATION NO. 9122

OC000000020708683

OC000000020708683

58076
REED SMITH, LLP
TWO EMBARCADERO CENTER
SUITE 2000
SAN FRANCISCO, CA 94111

Date Mailed: 10/05/2006

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/14/2006.

- 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 (971) 272-1642

FORMER ATTORNEY/AGENT COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAR 21 2005

SWANSON & BRATSCHUN L.L.C.
1745 SHEA CENTER DRIVE
SUITE 330
HIGHLANDS RANCH CO 80129

In re Application of	:
Susan E. alters	:
Serial No.: 10/845,473	: STATUS LETTER
Filed: May 12, 2004	:
Attorney Docket No.: SURR.67/C	:

This is in response to applicants' attorneys' request, filed February 25, 2005, to withdraw from representation in the above identified application.

37 CFR 10.40 Withdrawal from employment.
(b) Mandatory withdrawal . A practitioner representing a client before the Office shall withdraw from employment if:
(1) The practitioner knows or it is obvious that the client is bringing a legal action, commencing a proceeding before the Office, conducting a defense, or asserting a position in litigation or any proceeding pending before the Office, or is otherwise having steps taken for the client, merely for the purpose of harassing or maliciously injuring any person;
(2) The practitioner knows or it is obvious that the practitioner's continued employment will result in violation of a Disciplinary Rule;
(3) The practitioner's mental or physical condition renders it unreasonably difficult for the practitioner to carry out the employment effectively; or
(4) The practitioner is discharged by the client.
(c) Permissive withdrawal. If paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matters pending before the Office unless such request or such withdrawal is because:
(1) The petitioner's client:
(i) Insists upon presenting a claim or defense that is not warranted under existing law and cannot be supported by good faith argument for an extension, modification, or reversal of existing law;
(ii) Personally seeks to pursue an illegal course of conduct;
(iii) Insists that the practitioner pursue a course of conduct that is illegal or that is prohibited under a Disciplinary Rule;
(iv) By other conduct renders it unreasonably difficult for the practitioner to carry out the employment effectively;
(v) Insists, in a matter not pending before a tribunal, that the practitioner engage in conduct that is contrary to the judgment and advice of the practitioner but not prohibited under the Disciplinary Rule; or
(vi) Has failed to pay one or more bills rendered by the practitioner for an unreasonable period of time or has failed to honor an agreement to pay a retainer in advance of the performance of legal services.
(2) The practitioner's continued employment is likely to result in a violation of a Disciplinary Rule;
(3) The practitioner's inability to work with co-counsel indicates that the best interests of the client likely will be served by withdrawal;
(4) The practitioner's mental or physical condition renders it difficult for the practitioner to carry out the employment effectively;
(5) The practitioner's client knowingly and freely assents to termination of the employment; or

(6) The practitioner believes in good faith, in a proceeding pending before the Office, that the Office will find the existence of other good cause for withdrawal.

Applicants' attorney has provided no reason for withdrawal, as required.

The request to withdraw is **DISMISSED**.

Should there be any questions with regard to this letter please contact William R. Dixon, Jr. by letter addressed to the Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at 571-272-0519 or by facsimile transmission at Office facsimile number.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DIW Feb-09

DYKEMA GOSSETT PLLC
FRANKLIN SQUARE, THIRD FLOOR WEST
1300 I STREET, NW
WASHINGTON DC 20005

MAILED

FEB 24 2009

OFFICE OF PETITIONS

In re Application of	:	
Bolus et al.	:	DECISION ON PETITION TO
Application Number: 10/845482	:	WITHDRAW HOLDING OF
Filing Date: 05/14/2004	:	ABANDONMENT
Attorney Docket Number: 66299-024-5	:	

This is a decision on the petition filed on January 27, 2009, to withdraw the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

A Notice of Abandonment was mailed on December 17, 2008, stating that the application was abandoned for failure to timely file a proper reply to the Office letter mailed on June 13, 2008.

A review of the record reveals that on December 15, 2008, a petition and the fee for a three (3) month extension of time was filed, along with an amendment in response to the non-final Office action mailed on June 13, 2008.

Petitioners assert that the Notice of Abandonment should be withdrawn because a timely reply was filed.[1]

Upon review, a timely and proper reply to the non-final Office action mailed on June 13, 2008 has been filed.

The holding of abandonment is withdrawn. The Notice of Abandonment is vacated.

---

[1] As December 13, 2008, fell on a Saturday, the reply filed on Monday, December 15, 2008, was timely filed. 37 CFR 1.7(a).

The application is referred to Technology Center Art Unit 3752 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/845,490	05/12/2004	1761	765	5162 P	5	44	2

CONFIRMATION NO. 7273

Parsons Behle & Latimer
201 South Main Street, Suite 1800
P.O. Box 45898
Salt Lake City, UT 84111

CORRECTED FILING RECEIPT

OC000000018412741

Date Mailed: 03/30/2006

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

Applicant(s)

Tony M. Pearce, Alpine, UT;
Terry V. Pearce, Alpine, UT;

Assignment For Published Patent Application

EdiZONE, LC

Power of Attorney:

Jon Christianson--30039
Lloyd Sadler--40154
Everett Robinson--50911
William Stilling--53640

Domestic Priority data as claimed by applicant

This application is a CIP of 10/325,721 12/20/2002
which claims benefit of 60/368,821 04/01/2002
and claims benefit of 60/356,279 02/11/2002

Foreign Applications

If Required, Foreign Filing License Granted: 07/14/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/845,490

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Delivery units of thick orally soluble polymer

Preliminary Class

426

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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

GRANTED

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

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

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

NOT GRANTED

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAIL

AUG 29 2006

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

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

In re Application of :
KURODA, GOU, et al. :
Application No. 10/845,505 : DECISION ON PETITION
Filed: May 14, 2004 : TO MAKE SPECIAL
For: **MEDIUM ACCESS CONTROL METHOD AND SYSTEM** :

This is a decision on the petition filed May 30, 2006 under Manual of Patent Examination Procedure §708.02, VIII requesting accelerated examination.

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

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

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

Kenneth A. Wieder
Special Program Examiner
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Kudirka & Jobse, LLP
One State Street
Suite 800
Boston, MA 02109

COPY MAILED

JUL 24 2006

OFFICE OF PETITIONS

In re Application of :
Eric W. Gary :
Application No. 10/845,517 : DECISION ON PETITION
Filed: May 14, 2004 : TO WITHDRAW
Attorney Docket No. 9278.0001 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 1, 2005.

The request is **APPROVED**.

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

The request was signed by Therese A. Hendricks on behalf of all attorneys of record who are associated with Customer No. 21127.

All attorneys/agents associated with the Customer Number 21127 have been withdrawn.

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

All future correspondence will be directed to the assignee West Ridge Networks, Inc. at the address indicated below.

There is no outstanding Office action at this time.

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

David Bucci
Petitions Examiner
Office of Petitions

cc: West Ridge Networks, Inc.
P.O. Box 2002
Andover, MA 01810

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ROBERT M. MCDERMOTT, ESQ.
1824 FEDERAL FARM ROAD
MONTROSS VA 22520

COPY MAILED

NOV 12 2008

In re Application of :
Gray, et al. :
Application No. 10/845,517 : DECISION ON PETITION
Filed: May 14, 2004 :
Attorney Docket No. OP-030802 :

This is a decision on the petition, filed September 11, 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 reply to the non-final Office action mailed February 5, 2008, which set a three (3) month shortened statutory period for reply. The filing of the present petition precedes the mailing of A Notice of Abandonment.

Petitioner asserts that the Office action dated February 5, 2008 was not received.

A review of the written record indicates no irregularity in the mailing of the Office action, and, in the absence of any irregularity, there is a strong presumption that the Office action was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. In this regard, the showing required to establish the failure to receive the Office action must consist of the following:

1. a statement from practitioner stating that the Office action was not received by the practitioner;

2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and

3. a copy of the docket record where the non-received Office action would have been entered had it been received and docketed must be attached to and referenced in the practitioner's statement.

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

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

In view of the above, the holding of abandonment is withdrawn.

This application is being referred to the Technology Center technical support staff of Art Unit 2619 for re-mailing the Office action of February 5, 2008. The period for reply will run from the mailing date of the Office action.

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

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COPY MAILED

OCT 0 5 2004

OFFICE OF PETITIONS

VENABLE, BAETJER, HOWARD AND CIVILETTI, LLP
P.O. BOX 34385
WASHINGTON, DC 20043-9998

In re Application of :
Krieger, et al. : DECISION REFUSING STATUS
Application No. 10/845,520 : UNDER 37 CFR 1.47(a)
Filed: May 14, 2004 :
Atty. Dkt. No.: 32405-192380 :
For: MULTI-BEAM FLASHLIGHT :

This decision is in response to the petition under 37 CFR 1.47(a), filed September 16, 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 May 14, 2004 without an executed oath or declaration. Accordingly, a Notice to File Missing Parts of Nonprovisional Application was mailed July 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), (2), and (4) set forth above.

As to item (1), petitioners allege joint inventor Bruce Randolph is deceased. Petitioners, however, have failed to provide proof that the legal representative of the deceased inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings). Petitioners instead allege that the legal representative of deceased inventor Bruce Randolph is unknown.

Rule 47 applicants are required to identify by name and last known address the legal representative of the deceased inventor upon renewed petition. The renewed petition must be supported by evidence that sufficiently establishes that despite diligent effort, the legal representative of the deceased inventor cannot be located or refuses to sign the declaration after having been presented with the application papers. 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 and/or present the legal representative with a copy of the application papers. 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. *See*, MPEP 409.03(d).

As to item (2), petitioners have failed to present a declaration in accordance with 37 CFR 1.63. Any renewed petition must be accompanied by a properly executed oath or declaration. Enclosed for petitioners' consideration please find PTO/SB/01A and PTO/SB/02LR.

As to item (4), petitioners have failed to set forth the last known address of the legal representative of the deceased inventor. Any renewed petition must identify the legal representative by name and last known address.

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

Enclosures: PTO/SB/01A
PTO/SB/02LR

UNITED STATES PATENT AND TRADEMARK OFFICE

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

IBM CORPORATION
INTELLECTUAL PROPERTY LAW
11400 BURNET ROAD
AUSTIN TX 78758

COPY MAILED

APR 23 2008

OFFICE OF PETITIONS

In re Application of	:	
Leymann et al.	:	
Application No. 10/845,536	:	DECISION ON PETITION
Filed: May 13, 2004	:	
Attorney Docket No. DE920030042US1	:	

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

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment to the specification, (2) the petition fee, 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 request to change the address of record should be filed. 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) 272-3206.

This matter is being referred to the Office of Data Management for processing into a patent.

Liana Walsh
Petitions Examiner
Office of Petitions

cc:

GERALD H. GLANZMAN
P.O. BOX 802333
DALLAS, TX 75380

UNITED STATES PATENT AND TRADEMARK OFFICE

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

IBM CORPORATION
INTELLECTUAL PROPERTY LAW
11501 BURNET ROAD
AUSTIN, TX 78758

Mail Date: 04/20/2010

Applicant	: Ali Ijaz Sheikh	: DECISION ON REQUEST FOR
Patent Number	: 7661098	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/845,548	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/13/2004	: 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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

IBM CORPORATION
INTELLECTUAL PROPERTY LAW
11501 BURNET ROAD
AUSTIN, TX 78758

Mail Date: 05/17/2010

Applicant : Ali Ijaz Sheikh
Patent Number : 7661098
Issue Date : 02/09/2010
Application No: 10/845,548
Filed : 05/13/2004

: 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 **1652** 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

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

Paper No. None

EDWARD A. RIVERS
3040 ELLESMERE DRIVE
COLORADO SPRINGS CO 80922

COPY MAILED

DEC 18 2006

OFFICE OF PETITIONS

In re Application of :
EDWARD ALAN RIVERS :
Application No. 10/845,576 :
Filed: May 13, 2004 :
Title: ADJUSTABLE WIDTH BOOKEND CONSTRUCTION :

DECISION ON PETITION
UNDER 37 C.F.R. §1.181(A)

This is a decision on the petition that was filed on September 19, 2006, pursuant to 37 C.F.R. §1.181(a), to withdraw the holding of abandonment.

BACKGROUND

The above-identified application became abandoned for failure to file a proper response to the Restriction Requirement, mailed January 13, 2006, which set a shortened statutory period for reply of one month. 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 February 14, 2006. A Notice of abandonment was mailed on September 20, 2006.

With the present petition, Petitioner has alleged that a response was submitted on January 25, 2006.

RELEVANT PORTION OF THE C.F.R.

37 C.F.R. §1.8(b) sets forth, *in toto*:

> (b) In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a)

> of this section, but not received in the U.S. Patent and Trademark Office after a reasonable amount of time has elapsed from the time of mailing or transmitting of the correspondence, or after the application is held to be abandoned, or after the proceeding is dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:
>
> (1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;
>
> (2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and
>
> (3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

ANALYSIS

With the present petition, Petitioner has alleged that a response was submitted on January 25, 2006. Petitioner has included a copy of this response, and it does not appear to contain a certificate of mailing.

It follows that the showing in the present petition is not sufficient to withdraw the holding of abandonment. Pursuant to the discussion above, the petition pursuant to 37 C.F.R. §1.181 must be **DISMISSED**.

CONCLUSION

Any reply must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition Under 37 C.F.R. 1.181." This is not a final agency action within the meaning of 5 U.S.C 704.

Alternatively, Petitioner may wish to consider filing a petition under 37 C.F.R. §§1.137(a) and/or (b).

Any subsequent 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].

---

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.

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225[4]. 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

4 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. §1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DIW sep-08

MUIRHEAD AND SATURNELLI, LLC
200 FRIBERG PARKWAY
SUITE 1001
WESTBOROUGH MA 01581

COPY MAILED

SEP 12 2008

OFFICE OF PETITIONS

In re Application of	:	
Micali et al.	:	DECISION ON PETITION TO
Application Number: 10/845579	:	WITHDRAW HOLDING OF
Filing Date: 05/13/2004	:	ABANDONMENT
Attorney Docket Number: CSM-09901	:	

This is a decision on the "PETITION TO WITHDRAW ABANDONMENT UNDER 37 CFR § 1.181(a)," filed on July 25, 2008, which is treated as a petition to withdraw the holding of abandonment.

A Notice of Abandonment was mailed on July 17, 2008, stating that the application was abandoned for failure to timely file a proper reply to the final Office action mailed on December 27, 2007.

Petitioners aver that the final Office action was never received.

A review of the record indicates no irregularity in the mailing of the final Office action mailed on December 27, 2007, and in the absence of any irregularity in the mailing, there is a strong presumption that the final Office action was properly mailed to the address of record. This presumption may be overcome by a showing that the final Office action was not in fact received.

MPEP 711.03(c) states, in pertinent part:

> In Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of Delgar, an allegation that an Office action was never received may be

considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of Delgar is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133).

To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

(emphasis added)

Petitioner has provided a copy of the firm's mail log, as well as a statement by the practitioner that a search of mail log and application file indicates that the final Office action was not received.

The record supplied appears to be equivalent to a master docket record and is being construed as such. Petitioner **must** inform the Office if this is an incorrect statement.

Accordingly, there was no abandonment in fact.

A review of the record reveals that a Notice of Appeal has been filed with the subject petition.

Receipt of the Notice of Appeal filed with the subject petition is acknowledged. **Therefore, the Office reminds applicant that the two (2)-month extendable period to file an appeal brief in compliance with 37 CFR 41.37, accompanied by the fee required by law, began to run on July 25, 2008, the date of filing the Notice of Appeal.** The Office notes that "37 CFR 41.37(a) does not permit the brief to be filed within the time allowed for reply to the action from which the appeal was taken even if such time is later." *MPEP 1205*. "Once appellant timely files a notice of appeal in compliance with 37 CFR 41.31, the time period for reply set forth in the last Office action is tolled and is no longer relevant for the time period for filing an appeal brief." *Id.* **Therefore, applicant is required to submit an appeal brief on or before February 25, 2009, accompanied by a request for an extension of time for response within the fifth month and fee to avoid abandonment of this application.** In other words, applicant, himself, started the running of the two-month extendable period to file an appeal brief based upon the date applicant originally submitted the Notice of Appeal with the USPTO.

The petition is **granted** to the extent indicate above.

The holding of abandonment is withdrawn and the application is restored to pending status.

This matter is being referred to Technology Center Art Unit 2134 to await the filing of an appeal brief within the period noted above.

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

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MUIRHEAD AND SATURNELLI, LLC
200 FRIBERG PARKWAY
SUITE 1001
WESTBOROUGH, MA 01581

Mail Date: 04/21/2010

Applicant	: Silvio Micali	: DECISION ON REQUEST FOR
Patent Number	: 7657751	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/845,579	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/13/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1403** 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

HUNTON & WILLIAMS LLP
INTELLECTUAL PROPERTY DEPARTMENT
1900 K STREET, N.W.
SUITE 1200
WASHINGTON DC 20006-1109

COPY MAILED

MAR 0 3 2005

OFFICE OF PETITIONS

In re Application of :
Michelle Lu et al. :
Application No. 10/845,603 : DECISION ACCORDING STATUS
Filed: May 14, 2004 : UNDER 37 CFR 1.47(a)
Attorney Docket No. 62699.000023 :

This is in response to the petition filed February 15, 2005 under 37 CFR 1.47(a).

The petition is **GRANTED**.

The above-identified application was filed on May 14, 2004, naming Michelle Lu, Gopinathan Menon, Michele Duggan, Prakash G. Kadkade, Robert R. Rasmussen and Venkataraman Bringi as joint inventors but without a signed declaration. Petitioners seek status under 37 CFR 1.47(a) claiming that joint inventors Lu, Menon and Duggan have refused to sign the oath or declaration and thus by their actions, to cooperate with the filing of the instant application.

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 petition bears proof that the application papers were sent to Anthony Santini and Charles Zeller, legal counsel at Avon Products and counsel for joint inventors Lu, Menon and Duggan. The proof submitted also reveals that in a telephone conversation between Mr. Zeller and counsel for the assignee, Mr. Zeller, advised that joint inventors Lu, Menon and Duggan would not be signing the oath or declaration for the instant application. Thus, by the actions of their legal counsel, joint inventors Lu, Menon and Duggan have refused to sign the oath or declaration or to cooperate with the filing of the instant application. The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). In view thereof, this application is hereby accorded Rule 1.47(a) status.

Thus, as provided in Rule 1.47c, 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.

With respect to the un-executed oath or declaration submitted May 14, 2004, upon application, a sixth inventor, Venkataraman Bringi, was included however, Mr. Bringi was not included as an inventor on the oath or declaration submitted February 15, 2005 with the instant petition. In view thereof and since the rule is that inventorship is not determined until such time as an executed oath or declaration is submitted, Mr. Bringi will be removed from the official file as an inventor. If however this information is incorrect, it will be incumbent upon the applicants to file a petition under 37 CFR 1.48 to correct inventorship.

Also, please be advised that effective November 22, 2004, the petition fee has been increased to $200.00. Therein, deposit account no. 50-0206 will be charged in the amount of $70.00 to make up the difference between that which was paid and that which is due pursuant to 37 CFR 1.17(g). See the Notice published in the Federal Register on September 21, 2004 and in the Official Gazette of the United States Patent and Trademark Office on October 12, 2004.

This 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

STAINBROOK & STAINBROOK, LLP
412 AVIATION BOULEVARD
SUITE H
SANTA ROSA, CA 95403

COPY MAILED

JUN 03 2009

OFFICE OF PETITIONS

In re Application of :
Chi-Chian Yu, et al. :
Application No. 10/845,634 : ON PETITION
Filed: March 13, 2004 :
Attorney Docket No. 00946.P29US :

This is a decision on the petition, filed April 14, 2009, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the assignee's name on the Fee(s) Transmittal form PTOL-85(b) so that the Letters Patent will issue to the assignee.

The request is **DISMISSED**.

Petitioner states that the correct assignee's name was not included on the Part B - Fee(s) Transmittal form at the time of payment of the issue fee. Accordingly, petitioner requests that the patent issue to Smith Micro Software, Inc.

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

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

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

The request under 37 CFR 3.81(b) was not accompanied by a request for a certificate of correction (and fee) as required by 3.81(b). *See also* MPEP 1481.01. As petitioner has failed to comply with the provisions of 37 CFR 3.81(b), the request cannot be granted at this time.

A review of Office database assignment records reflects that an assignment to SMITH MICRO SOFTWARE, INC. has been recorded. Therefore, upon submission of the required certificate of correction and fee, it would be appropriate for the Office to issue a certificate of correction to correct the front page of the Letters Patent to reflect that SMITH MICRO SOFTWARE, INC. was the assignee of record at the time of issuance of the application into a patent. *Note also* 35 U.S.C. § 152.

In view of the above and **after issuance of this application into a patent, the Certificates of Correction Branch is instructed to issue a certificate of correction upon submission by petitioner of a request for a certificate of correction (and fee) which sets forth SMITH MICRO SOFTWARE, INC., as the assignee**. *No certificate of correction will be issued which sets forth an assignee other than the assignee set forth in this request. A copy of this decision* ***must*** *accompany the request for a Certificate of Correction.*

No further renewed request under 37 CFR 3.81(b) is necessary for consideration by the Office of Petitions for issuance of a certificate of correction in the name of the assignee set forth in this request, since this decision operates as an instruction to the Certificates of Correction Branch to issue the requested certificate of correction.

Alternatively, if petitioner desires to have the correct assignee data appear on the front page of the Letters Patent, petitioner may wish to consider filing a petition to withdraw the subject application from issue under 37 CFR 1.313(c)(2). The petition to withdraw from issue under 37 CFR 1.313(c)(2) must be accompanied by a request for continued examination (RCE) and submission (which may be a request under 37 CFR 3.81(b)).

Inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Any questions concerning issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (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
www.uspto.gov

COPY MAILED

SEP 0 6 2005

OFFICE OF PETITIONS

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

In re Application of :
Edward A. Hutchins et al :
Application No. 10/845,642 : DECISION GRANTING PETITION
Filed: May 14, 2004 : UNDER 37 CFR 1.137(b)
Attorney Docket No. NVID-P001249 :

This is a decision on the petition, filed July 11, 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 May 14, 2005. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen month publication country.

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

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

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

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

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date of December 15, 2005, 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 2676 for examination in due course.

Karen Creasy

Karen Creasy
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

10-28-08

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

Patent No. : 7,428,904 B2
Ser. No. : 10/845,645
Inventor(s) : Julian Nikolchev, et. al.
Issued : September 30, 2008
Title : ACONTRACEPTIVE TRANSCERVICAL FALLOPIAN TUBE OCCLUSION DEVICES AND THEIR DELIVERY
Docket No. : 06701.Poo1C6

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 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 Mary Diggs
Decisions & Certificates
of Correction Branch
(703) **308-9390 ext. 124or 125**

Blakely, Sokoloff, Taylor & Zafman LLP
1279 Oakmead Parkway
Sunnyvale, CA 94085-4040

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

JAMES C. SCHELLER, JR.
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
SEVENTH FLOOR
12400 WILSHIRE BOULEVARD
LOS ANGELES CA 90025-1026

MAILED

FEB 19 2009

OFFICE OF PETITIONS

In re Patent No. 7,428,904 :
Issue Date: September 30, 2008 :
Application No. 10/845,645 : ON PETITION
Filed: May 14, 2004 :
Attorney Docket No. 06701.P001C6 :

This is a decision on the petition filed December 23, 2008, which is being treated under 37 CFR 3.81(b) to correct the name of the assignee on the front page of the above-identified patent by way of a certificate of correction.

The petition is **DISMISSED**.

Petitioner requests issuance of a certificate of correction in the name of "CONCEPTUS, INC., MOUNTAIN VIEW, CA"

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

> *After payment of the issue fee:* Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 **before issuance of the patent**, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter [emphasis added]. *See also* MPEP 1481.01.

U.S. Patent and Trademark Office assignment records disclose that an assignment to "CONCEPTUS INC, SAN CARLOS, CA" was recorded on October 3, 1995. Accordingly, issuance of a certificate of correction would not be proper for "CONCEPTUS INC., MOUNTAIN VIEW, CA. **However, a certificate of correction would be proper for the assignee recorded as "CONCEPTUS, INC., SAN CARLOS, CA.**

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

By mail:	Mail Stop PETITIONS Commissioner for Patents Post Office Box 1450 Alexandria, VA 22313-1450
By hand:	Customer Service Window Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	(571) 273-8300 ATTN: Office of Petitions
By internet:	EFS-Web www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

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

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

JAMES C. SCHELLER, JR.
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
SEVENTH FLOOR
12400 WILSHIRE BOULEVARD
LOS ANGELES CA 90025-1026

COPY MAILED

JUN 12 2009

OFFICE OF PETITIONS

In re Patent No. 7,428,904 :
Issue Date: September 30, 2008 :
Application No. 10/845,645 : ON PETITION
Filed: May 14, 2004 :
Attorney Docket No. 06701.P001C6 :

This is a decision on the renewed petition filed April 30, 2009, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3208. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

COPY MAILED

JUN 0 8 2005

OFFICE OF PETITIONS

In re Application of
Art Medlar
Application No. 10/845,648
Filed: May 13, 2004
Attorney Docket No. 003775.P010

: DECISION REFUSING STATUS
: UNDER 37 CFR 1.47(b)

This is a decision on the petition filed under 37 CFR 1.47(a) on January 19, 2005, which is treated under 37 CFR 1.47(b).

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(b)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION**. Extensions of time may be obtained in accordance with 37 CFR 1.136(a).

The above-identified application was filed May 13, 2004, with a declaration and power of attorney that was not executed.

Accordingly, on July 16, 2004, a "Notice To File Missing Parts of Nonprovisional Application" was mailed, requiring an executed oath or declaration and a surcharge for the late filing of the oath or declaration.

In response, the present petition was filed, accompanied by the late filing surcharge.

At the outset, the petition refers to the non-signing inventor as a "joint inventor" but does not list additional inventors other than Mr. Medlar. Petitioner is advised that if none of the named inventor(s) will sign the oath or declaration, in this case only one inventor, a petition under 37 CFR 1.47(b) must be filed. If some of the named inventors signed the oath or declaration and one or more of the named inventors have not signed the declaration, a petition under 37 CFR 1.47(a) must be filed. Although one inventor has

been named, the oath or declaration has not been executed, accordingly, this petition will be treated under 37 CFR 1.47(b).

A grantable petition under 37 CFR 1.47(b) requires:

(1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration 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 statement of the last known address of the non-signing inventor;

(5) proof of proprietary interest, and

(6) proof of irreparable damage.

The petition lacks items(2), (5) and (6).

In regards to item (2), an oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 has not been presented. A declaration in compliance with 37 CFR 1.63, 1.64, and 1.67 must be presented, signed by all of the signing inventors, if any. If no inventor(s) will sign the declaration, the declaration may be signed on behalf of the inventor by an assignee. The oath or declaration must be signed by an officer of the corporation (president, vice president, secretary, or treasurer) on behalf of and as agent for the non-signing inventor(s). The office must identify his/her title in the declaration, as well as his/her mailing address, residence, if the applicant lives at a different location from where he or she customarily receives mail, as well as the citizenship of individual signing on behalf of the non-signing inventor. If the oath or declaration is not signed by an officer of the corporation, then proof of authority of the person signing on behalf of the corporation must be submitted.[1]

Furthermore, with respect to the oath or declaration, please be reminded that a Notice of Informal Application was mailed on March 9, 2005 because in addition to not being executed, the oath or declaration presented was not in compliance with 37 CFR 1.63. Please refer to that "Notice" when submitting a corrected oath or declaration as the one submitted did not identify the citizenship of the inventor.

In regards to item (5), petitioner must provide proof that the Rule 1.47(b) applicant has sufficient proprietary interest in the subject matter to justify the filing of the application.[2] Petitioners should provide a copy of the employment agreement between the non-signing inventors and the Rule 1.47(b) applicant (company); a copy of an assignment

---

[1]MPEP 409.03(b).

[2]MPEP 409.03(f).

agreement showing that the invention disclosed in the application is assigned to the Rule 1.47(b) applicant; or a legal memorandum signed by an attorney familiar with the law of the jurisdiction stating that a court of competent jurisdiction would by the weight of authority in that jurisdiction award the title of the invention to the Rule 1.47(b) applicant.

In regards to item (6), petitioner must provide proof of irreparable damages in accordance with MPEP 409.03(g).

Finally, with respect to the petition fee, please be advised that effective November 22, 2004, the petition fee has been increased to $200.00. Therein, deposit account no. 02-2666 has been charged in the amount of $70.00 to make up the difference between that which was paid and that which is due pursuant to 37 CFR 1.17(g). See the Notice published in the Federal Register on September 21, 2004 and in the Official Gazette of the United States Patent and Trademark Office on October 12, 2004.

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
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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

COPY MAILED

AUG 2 1 2006

OFFICE OF PETITIONS

In re Application of	:	
Medlar	:	
Application No. 10/845,648	:	DECISION ON PETITION
Filed: May 13, 2004	:	TO WITHDRAW
Attorney Docket No. 003775.P010	:	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 Feburary 6, 2000.

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.

There is an outstanding Decision on Petition that was mailed on June 8, 2005 in which the response was due in on August 8, 2005. Subsequently, the application became abandoned for failure to timely respond to the filing of this decision.

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

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

Amelia Au
Petitions Examiner
Office of Petitions

cc: Art Medlar
1998 Ward Street
Berkeley, CA 94703

UNITED STATES 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

AUG 13 2004

TECHNOLOGY CENTER 2100

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

In re Application of:
Adisak MEKKITTIKUL, et al.
Application No. 10/845,656
Filed: May 13, 2004
For: METHOD AND SYSTEM FOR CACHING DATA IN A NETWORK NODE

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY OR AGENT

This is a decision on the Request to Withdraw from Representation filed July 30, 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
703-305-9750

cc: Lantern Communications, Inc.
1246 Reamwood Avenue
Sunnyvale, CA 94089

UNITED STATES 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.

James P. Hao
WAGNER, MURABITO & HAO LLP
Two North Market Street
Third Floor
San Jose, CA 95113

MAIL

NOV 17 2004

DIRECTOR OFFICE
TECHNOLOGY CENTER 2100

In re Application of:
Mekkittikul et. Al.
Application No. 10/845,656
Filed: May 13, 2004
For: A METHOD AND SYSTEM FOR CACHING DATA IN A NETWORK NODE

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY OR AGENT

This is a decision on the Request To Withdraw from Representation filed September 15, 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 signer of the petition, James P. Hao is not appointed as an attorney or agent of record. Therefor he is not authorized to act on behalf of the attorneys or record, nor can he effect a change of address.

The Power of Attorney by Assignee of Entire Interest (Revocation of Prior Powers) dated October 22, 2004 has been entered and accepted in this file.

For the above stated reasons, the request is **DISMISSED AS MOOT**.

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

James R. Matthews

for Vincent N. Trans
Special Program Examiner
Technology Center 2100
Computer Architecture, Software, and
Information Security
(571) 272-3613

cc: OBLON, SPIVAK, MCCLELLAND, MAIER &
NEUSTADT, P.C.
1940 Duke Street
Alexandria, VA 22314

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DIW Feb-08

NVIDIA C/O MURABITO, HAO & BARNES LLP
TWO NORTH MARKET STREET
THIRD FLOOR
SAN JOSE CA 95113

COPY MAILED

FEB 12 2008

OFFICE OF PETITIONS

In re Application of	:	
Hutchins et al.	:	DECISION ON PETITION
Application Number: 10/845662	:	
Filing Date: 05/14/2004	:	
Attorney Docket Number: NVID-P001254	:	

This is a decision on the petition, filed on August 31, 2007, under 37 CFR 1.137(b).

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(f)." This is not a final agency decision.

Although the petition does not specify the type of proposed response, the petition was filed concurrently with a Rescission of Previous Nonpublication Request. As such, the petition will be treated as a petition under 37 CFR 1.137(f). Petitioner **must** inform the Office if this is an incorrect interpretation.

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 petition lacks items (1) and (3). The petition fails to provide proper notice of foreign or international filing pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) in that the filing date of the subsequently-filed foreign or international application must be provided. Petitioner must provide the date that the foreign or multinational application was filed with any renewed petition.

In this regard, while it is noted that petitioner states that the application became abandoned on June 28, 2005, it is not clear from the petition whether this is the date that the subsequently-filed foreign or international application was filed.

Additionally with regard to item (3), the statement of unintentional delay in the petition does not track the language of 37 CFR 1.137(b)(3), which requires a statement that the entire delay in filing the required notice of a foreign or international filing from the due date for the required notice until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. As such, it is recommended that petitioner use the enclosed form when filing a renewed petition. No additional petition fee is due.

If a petition under 37 CFR 1.137(f) is intended, petitioner should use the enclosed form when filing a renewed petition. No further petition fee is due.

Receipt of the Rescission of Previous Nonpublication Request is acknowledged. A communication notifying petitioner of acceptance thereof is being mailed herewith.

The duplicate petition fee paid on August 31, 2007, will be credited to counsel's deposit account, as authorized in the present 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 FAX: (571) 273-8300
Attn: Office of Petitions

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

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

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Encl: PTO/SB/64a
Communication Regarding Rescission of Nonpublication Request and/or Notice of Foreign Filing

PTO/SB/64a (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 FOR FAILURE TO NOTIFY THE OFFICE OFA FOREIGN OR INTERNATIONAL FILING (37 CFR 1.137(f))	Docket Number (Optional)

First named inventor:

Application No.: Art Unit:

Filed: Examiner:

Title:

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

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

The above-identified application became abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to timely notify the Office of the filing of an application in a foreign country or under a multinational international treaty that requires publication of applications eighteen months after filing. The date of abandonment is the day after the expiration date of the forty-five (45) day period set in 35 U.S.C. 122(b)(2)(B)(iii).

PURSUANT TO 37 CFR 1.137(f), APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION UNDER 37 CFR 1.137(b)

1.Petition fee

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

☐ Other than small entity – fee $ _____ (37 CFR 1.17(m))

2. Notice of Foreign or International Filing (35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c))

Subsequent to the filing of the above-identified application, an application was filed in another country, or under a multinational international treaty (e.g., filed under the Patent Cooperation Treaty), that requires publication of applications eighteen months after the filing. The filing date of the subsequently filed foreign or international application is _____.

This collection of information is required by 37 CFR 1.137. 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.

STATEMENT: The entire delay in filing the required notice of a foreign or international filing from the due date for the required notice until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Signature	Date
Typed or printed name	Registration Number, if applicable
Address	Telephone Number
Address	

Enclosures:
- ☐ Fee Payment
- ☐ Additional sheets containing statements establishing unintentional delay
- ☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- ☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.
- ☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

Date	Signature
	Typed or printed name of person signing certificate

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

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
10/845,662	05/14/2004	Edward A. Hutchins	NVID-P001254

CONFIRMATION NO. 9483

45594
NVIDIA C/O MURABITO, HAO & BARNES LLP
TWO NORTH MARKET STREET
THIRD FLOOR
SAN JOSE, CA 95113

NONPUBLICATION RESCISSION LETTER

Date Mailed: 02/12/2008

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

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 05/22/2008.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"[1] then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282. Questions regarding publications of patent applications should be directed to the patent application publication hotline at (703) 605-4283 or by e-mail pgpub@uspto.gov.

[1] Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

UNITED STATES PATENT AND TRADEMARK OFFICE

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

NVIDIA C/O MURABITO, HAO & BARNES LLP
TWO NORTH MARKET STREET
THIRD FLOOR
SAN JOSE CA 95113

COPY MAILED

APR 0 3 2008

OFFICE OF PETITIONS

In re Application of
Hutchins et al.
Application No. 10/845662
Filed: 05/14/2004
Attorney Docket No. NVID-P001254

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

This is a decision on the petition, filed on March 5, 2008, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on May 13, 2005. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

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

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

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

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

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date of May 22, 2008, was previously mailed on February 12, 2008.

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

This application is being referred to Technology Center Art Unit 2628 for examination in due course.

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

LUCE FORWARD HAMILTON & SCRIPPS
11988 EL CAMINO REAL, SUITE 200
SAN DIEGO, CA 92130

COPY MAILED

APR 12 2006

OFFICE OF PETITIONS

In re Application of
Scott Blum
Application No. 10/845,680
Filed: May 14, 2004
Attorney Docket No. 31876-1040

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 February 28, 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 3622 for action on the merits commensurate with decision.

Denise Pothier
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

E I DU PONT DE NEMOURS AND COMPANY
LEGAL PATENT RECORDS CENTER
BARLEY MILL PLAZA 25/1128
4417 LANCASTER PIKE
WILMINGTON, DE 19805

COPY MAILED

JAN 13 2005

OFFICE OF PETITIONS

In re Application of :
Meyer :
Application No. 10/845,701 : ON PETITION
Filed: May 15, 2004 :
Attorney Docket No. FA1166USNA :

This is a decision on the petition filed December 8, 2004, to accord the above-identified application a filing date of May 14, 2004, instead of May 15, 2004.

The petition is **dismissed**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are NOT permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.10." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

37 CFR 1.10(d) states:

> Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that 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 the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS.

As to (3), the mail log supplied includes no information to indicate it was completed *after* the application was mailed or to indicate the application was deposited in a mailbox at a time prior to the last pickup of the day for that mailbox. Therefore, the showing is insufficient under 37 CFR 1.10(d) and the petition cannot be granted.

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

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

By facsimile: (703) 872-9306
Attn: Office of Petitions

If a request for reconsideration is filed, and a decision on the new petition is not received within three months, petitioner may wish to call the number below to check on the status of the renewed petition.

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

Charles Steven Brantley
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

E I DU PONT DE NEMOURS AND COMPANY
LEGAL PATENT RECORDS CENTER
BARLEY MILL PLAZA 25/1122B
4417 LANCASTER PIKE
WILMINGTON, DE 19805

COPY MAILED

MAY 30 2008

OFFICE OF PETITIONS

In re Application of Meyer :
Application No. 10/845,701 : Decision on Petition
Filing Date: May 15, 2004 :
Attorney Docket No. FA1166USNA :

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

The petition is **DISMISSED**.

The Office mailed a Final Office action on August 31, 2007.

Petitioner filed a reply to the Final Office action and request for a two-month extension of time on January 30, 2008.

As indicated by an Advisory Action issued February 21, 2008, the reply filed by petitioner was not a proper reply to the Final Office action.

The application became abandoned on February 1, 2008.

The instant petition was filed April 9, 2008. The petition includes a proper reply to the outstanding final Office action 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

Unfortunately, the petition was not accompanied by payment of the petition fee of $1,540. Although the fee transmittal sheet authorizes the Office to charge the RCE fee to petitioner's deposit account, it does not authorize the Office to charge any other fees to the deposit account.

Since the petition fee has not been submitted, the petition must be dismissed.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision and must include the required petition fee. 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).

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

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

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

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

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

E I DU PONT DE NEMOURS AND COMPANY
LEGAL PATENT RECORDS CENTER
BARLEY MILL PLAZA 25/1122B
4417 LANCASTER PIKE
WILMINGTON, DE 19805

COPY MAILED

JAN 2 7 2009

OFFICE OF PETITIONS

In re Application of Meyer :
Application No. 10/845,701 : Decision on Petition
Filing Date: May 15, 2004 :
Attorney Docket No. FA1166USNA :

This is a decision on the petition under 37 CFR 1.137(b), filed July 10, 2008, to revive the instant application.

The petition is **granted**.

The Office mailed a Final Office action on August 31, 2007. Petitioner filed a reply to the Final Office action and request for a two-month extension of time on January 30, 2008. As indicated by an Advisory Action issued February 21, 2008, the reply filed by petitioner was not a proper reply to the Final Office action. The application became abandoned on February 1, 2008.

The instant petition requests revival of the application.

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

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

Petitioner has submitted a reply to the final Office action in the form of a Request for Continued Examination and submission filed April 9, 2008. Petitioner has submitted the required petition fee of $1,540. Petitioner has stated the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

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 1796 will be informed of the instant decision and the application, including the RCE and submission filed April 9, 2008, will be further examined in due course.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

COPY MAILED

SEP 02 2008

In re Application of
Wolff
Application No. 10/845,707
Filed: May 14, 2004
Attorney Docket No. 074451.P033XC

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 16, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned November 3, 2007 for failure to timely submit a proper reply to the Notice of Non-Compliant Amendment (Notice) mailed October 2, 2007. The Notice set a one month shortened statutory period of time for reply. Notice of Abandonment was mailed June 24, 2008.

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

The correspondence address indicated in the instant petition differs from that contained in the official record. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney documents must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

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

This application is being referred to Technology Center AU 2153 for appropriate action by the Examiner in the normal course of business on the reply received herewith.

Alesia M. Brown
Petitions Attorney
Office of Petitions

CC: Michael J. Mallie
1279 Oakmead Parkway
Sunnyvale, CA 94085-4040

UNITED STATES PATENT AND TRADEMARK OFFICE

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

PILLSBURY WINTHROP, LLP
P.O. BOX 10500
MCLEAN, VA 22102

In re Application of	:	
Charles A. Wright	:	NOTIFICATION UNDER
Application No. 10/845,712	:	37 CFR 1.28(c)
Filed: May 14, 2004	:	
Attorney Docket No. GCN-101(US)	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28(c), filed January 19, 2005.

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."

27 CFR 1.28(c)(2)(ii) states:

> "(ii) Itemization of the deficiency payment. An itemization of the total deficiency payment is required. The itemization must include the following information:
>
> (A) Each particular type of fee that was erroneously paid as a small entity, (e.g., basic statutory filing fee, two-month extension of time fee) along with the current fee amount for a non-small entity;
>
> (B) The small entity fee actually paid, and when. This will permit the Office to differentiate, for example, between two one-month extension of time fees erroneously paid as a small entity but on different dates;
>
> (C) The deficiency owed amount (for each fee erroneously paid); and
>
> (D) The total deficiency payment owed, which is the sum or total of the individual deficiency owed amounts set forth in paragraph (c)(2)(ii)(C) of this section."

The request for acceptance of a fee deficiency submission submitted January 19, 2005 does not contain the required itemization. Accordingly, the fee deficiency submission under 37 CFR 1.28(c) cannot be accepted at this time.

A submission in compliance with 37 CFR 1.28(c) must be filed within ONE (1) month of the mail date of this action. This time period is not extendable.

Please note, the change of status to a large entity has been entered and made of record.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Heidie Isaacson McCall
2712 Esther St.
Vancouver WA 98660

COPY MAILED
OCT 2 7 2008

In re Application of
McCall & Wedin
Application No. 10/845,715
Filed: May 14, 2004
Attorney Docket No. N/A
For: PORTABLE PADDED AIR FLOW POUCH

ON PETITION

This is a decision on the correspondence, filed February 15, 2008 and supplemented on June 25, 2008 and October 8, 2008, alleging that a proper response to the June 13, 2006 final Office action was timely filed. Therefore, petitioner asserts the application is not abandoned. The correspondence will be treated under 37 CFR 1.181 to withdraw the holding of abandonment of the above-identified application.

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

Any further 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. This is **not** final agency action within the meaning of 5 U.S.C. § 704.

The petition is dismissed and the merits of the petition will not be addressed because the correspondence is not signed by a proper party.

37 CFR 1.33(b) states that any amendments and other papers filed in an application must be signed by (1) an appointed registered attorney or agent; (2) a registered attorney or agent not appointed, but acting in a representative capacity, (3) an assignee under 3.71(b); or (4) all of the named inventors.

The petition is signed by Heidie Isaacson McCall. Heidie Isaacson McCall has not provided an attorney/agent registration number. Heidie Isaacson McCall has not shown that she is an authorized representative of an assignee who has right to take action. It is noted that Heidie Isaacson McCall is one of two joint inventors.

In short, Heidie Isaacson McCall has not established that she is permitted to file amendments and other papers in this application on her own.

In any reconsideration petition, petitioner is encouraged to either (a) submit Heidie Isaacson McCall's registration number; (b) submit an appropriate 3.73(b) statement on behalf of the assignee establishing ownership of the invention, signed by a person authorized to act on behalf of the assignee (the person authorized to act on behalf of the assignee should be Heidie Isaacson McCall and in this manner, the signature on instant petition will be ratified); or (c) submit a petition signed by both joint inventors.

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

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

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

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

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

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Heidie Isaacson McCall
2712 Esther St.
Vancouver WA 98660

COPY MAILED

JAN 13 2009

In re Application of
McCall & Wedin
Application No. 10/845,715
Filed: May 14, 2004
Attorney Docket No. N/A
For: PORTABLE PADDED AIR FLOW POUCH

ON PETITION

This is a decision on the correspondence filed December 1, 2008, which is being treated as a petition under 37 CFR 1.181, requesting that the Office withdraw the holding of abandonment of the above-identified application.

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

Any reconsideration 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. This is **not** a final agency action within the meaning of 5 U.S.C.§ 704.

The application became abandoned for failure to properly reply within the meaning of 37 CFR 1.113 to the final Office action, mailed June 13, 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. Applicant filed an amendment after final on July 10, 2006, which failed to place this application in *prima facie* condition for allowance, as was explained in the March 16, 2007 Advisory Action. Accordingly, the application became abandoned on September 14, 2006.

Petitioner argues that because a RCE was filed on certificate of mailing date March 20, 2007, that the holding of abandonment should be withdrawn.

Petitioner is reminded that after a final action, there are only five possible proper replies: (1) a Notice of Appeal, (2) the filing of a continuing application, (3) a 37 CFR 1.129(a) submission, if appropriate, (4) an amendment after final that makes the case ready for issuance or (4) a RCE.

To be a proper reply, an amendment after final must eliminate all of the Examiner's objections and rejections, and thus place the case in *prima facie* condition for allowance.

Petitioner's amendment after final, filed July 10, 2006 failed to eliminate all of the Examiner's rejections, as was stated in the Advisory action of March 16, 2007. The post-final rejection of

amendments does not obligate the Office or examiner to provide an applicant with a new time period or time limit in which to provide a complete response under 37 CFR 1.113.

The rules of practice are clear that prosecution of an application to save it from abandonment must include such complete and proper action as the condition of the case may require. The admission of an amendment not responsive to the last Office action, or refusal to admit the same, shall not operate to save the application from abandonment. "[T]he admission of, or refusal to admit, any amendment after final rejection, and any proceedings relative thereto, shall not operate to relieve the application or patent under reexamination from its condition as subject to appeal or to save the application from abandonment under § 1.135." See 37 CFR 1.116(a).

An Advisory action does not restart prosecution of the application. The period for reply remained as set in the June 13, 2006 final Office action.

The RCE, filed on certificate of mailing date March 20, 2007, was filed after the application was abandoned. As March 20, 2007 is after the 6 month statutory deadline for response (September 13, 2006), the RCE was filed too late.

The petition to withdraw the holding of abandonment under 37 CFR 1.181 is DISMISSED. No petition fee has been or will be charged in connection with this petition.

Petitioner should consider filing a petition stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of the issue fee was "unavoidable." This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b). An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the $810.00 petition fee.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the 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).

In addition, the assignment filed with the present reconsideration petition should be recorded with Assignments Branch of the Office. The cost for recording an assignment is $40.00. For petitioner's convenience, a blank copy of the RECORDATION FORM COVER SHEET PATENTS ONLY is enclosed. Please complete the form and submit it, $40.00, and a copy of the assignment to the address listed at the bottom of the first page of the form.

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

By mail:

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

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

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

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

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

Enclosure: blank copy of the RECORDATION FORM COVER SHEET PATENTS ONLY

Form PTO-1595 (Rev. 12-08)
OMB No. 0651-0027 (exp. 01/31/2009)

U.S. DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

RECORDATION FORM COVER SHEET
PATENTS ONLY

To the Director of the U.S. Patent and Trademark Office: Please record the attached documents or the new address(es) below.

1. Name of conveying party(ies)

Additional name(s) of conveying party(ies) attached? ☐ Yes ☐ No

2. Name and address of receiving party(ies)

Name: _____

Internal Address: _____

_____

Street Address: _____

_____

City: _____

State: _____

Country: _____ Zip: _____

Additional name(s) & address(es) attached? ☐ Yes ☐ No

3. Nature of conveyance/Execution Date(s):

Execution Date(s) _____

☐ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☐ Joint Research Agreement
☐ Government Interest Assignment
☐ Executive Order 9424, Confirmatory License
☐ Other _____

4. Application or patent number(s):

☐ This document is being filed together with a new application.

A. Patent Application No.(s)

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☐ No

5. Name and address to whom correspondence concerning document should be mailed:

Name: _____

Internal Address: _____

_____

Street Address: _____

_____

City: _____

State: _____ Zip: _____

Phone Number: _____

Fax Number: _____

Email Address: _____

6. Total number of applications and patents involved: _____

7. Total fee (37 CFR 1.21(h) & 3.41) $ _____

☐ Authorized to be charged to deposit account
☐ Enclosed
☐ None required (government interest not affecting title)

8. Payment Information

Deposit Account Number _____

Authorized User Name _____

9. Signature:

_____ _____
Signature Date

_____
Name of Person Signing

Total number of pages including cover sheet, attachments, and documents: ☐

Documents to be recorded (including cover sheet) should be faxed to (571) 273-0140, or mailed to:
Mail Stop Assignment Recordation Services, Director of the USPTO, P.O.Box 1450, Alexandria, V.A. 22313-1450

Guidelines for Completing Patents Cover Sheets (PTO-1595)

Cover Sheet information must be submitted with each document to be recorded. If the document to be recorded concerns both patents and trademarks separate patent and trademark cover sheets, including any attached pages for continuing information, must accompany the document. All pages of the cover sheet should be numbered consecutively, for example, if both a patent and trademark cover sheet is used, and information is continued on one additional page for both patents and trademarks, the pages of the cover sheet would be numbered from 1 to 4.

Item 1. Name of Conveying Party(ies).

Enter the full name of the party(ies) conveying the interest. If there is insufficient space, enter a check mark in the "Yes" box to indicate that additional information is attached. The name of the additional conveying party(ies) should be placed on an attached page clearly identified as a continuation of the information Item 1. Enter a check mark in the "No" box, if no information is contained on an attached page. If the document to be recorded is a joint research agreement, enter the name(s) of the party(ies) other than the owner of the patent or patent application as the conveying party(ies).

Item 2. Name and Address of Receiving Party(ies).

Enter the name and full address of the first party receiving the interest. If there is more than one party receiving the interest, enter a check mark in the "Yes" box to indicate that additional information is attached. Enter a check mark in the "No" box, if no information is contained on an attached page. If the document to be recorded is a joint research agreement, enter the name(s) of the patent or patent application owner(s) as the receiving party.

Item 3. Nature of Conveyance/Execution Date(s).

Enter the execution date(s) of the document. It is preferable to use the name of the month, or an abbreviation of that name, in order that confusion over dates is minimized. Place a check mark in the appropriate box describing the nature of the conveying document. If the "Other" box is checked, specify the nature of the conveyance.

Item 4. Application Number(s) or Patent Number(s).

Indicate the application number(s), and/or patent number(s) against which the document is to be recorded. National application numbers must include both the series code and a six-digit number (e.g., 07/123,456), and international application numbers must be complete (e.g., PCT/US91/12345).

Enter a check mark in the appropriate box: "Yes" or "No " if additional numbers appear on attached pages. Be sure to identify numbers included on attached pages as the continuation of Item 4. Also enter a check mark if this Assignment is being filed with a new application.

Item 5. Name and Address of Party to whom correspondence concerning the document should be mailed. Enter the name and full address of the party to whom correspondence is to be mailed.

Item 6. Total Applications and Patents involved.

Enter the total number of applications and patents identified for recordation. Be sure to include all applications and patents identified on the cover sheet and on additional pages.

Block 7. Total Fee Enclosed.

Enter the total fee enclosed or authorized to be charged. A fee is required for each application and patent against which the document is recorded.

Item 8. Payment Information.

Enter the deposit account number and authorized user name to authorize charges.

Item 9. Signature.

Enter the name of the person submitting the document. The submitter must sign and date the cover sheet. Enter the total number of pages including the cover sheet, attachments, and document.

This collection of information is required by 35 USC 261 and 262 and 15 USC 1057 and 1060. The information is used by the public to submit (and by the USPTO to process) patent and trademark assignment requests. After the USPTO records the information, the records for patent and trademarks, assignments, and other associated documents can be inspected by the public. To view documents recorded under secrecy orders or documents recorded due to the interest of the federal government, a written authorization must be submitted. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the form to the USPTO. 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 Manager of the Assignment Division, USPTO, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Assignment Recordation Services, Director of the USPTO, P.O. Box 1450, Alexandria, VA 22313-1450.

Privacy Act Statement for Patent Assignment Recordation Form Cover Sheet

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with the above request for information. This collection of information is authorized by 35 U.S.C. 1, 2, 261 and E.O. 9424. This information will primarily be used by the USPTO for the recordation of assignments related to patents and patent applications. Submission of this information is voluntary but is required in order for the USPTO to record the requested assignment. If you do not provide the information required on the cover sheet, the assignment will not be recorded, and all documents will be returned to you.

After the information is recorded, the records and associated documents can be inspected by the public and are not confidential, except for documents that are sealed under secrecy orders or related to unpublished patent applications. Assignment records relating to unpublished patent applications are maintained in confidence in accordance with 35 U.S.C. 122. Records open to the public are searched by users for the purpose of determining ownership for other property rights with respect to patents and trademarks.

Routine uses of the information you provide may also include disclosure to appropriate Federal, state, local, or foreign agencies in support of their enforcement duties and statutory or regulatory missions, including investigating potential violations of law or contract and awarding contracts or other benefits; to a court, magistrate, or administrative tribunal in the course of presenting evidence; to members of Congress responding to requests for assistance from their constituents; to the Office of Management and Budget in connection with the review of private relief legislation; to the Department of Justice in connection with a Freedom of Information Act request; to a contractor in the performance of their duties; to the Office of Personnel Management for personnel studies; and to the General Services Administration (GSA) as part of their records management responsibilities under the authority of 44 U.S.C. 2904 and 2906. Such disclosure to GSA shall not be used to make determinations about individuals.

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

CONNOLLY BOVE LODGE & HUTZ, LLP
P O BOX 2207
WILMINGTON, DE 19899

Mail Date: 04/21/2010

Applicant	: Jochen Mahrenholtz	: DECISION ON REQUEST FOR
Patent Number	: 7662634	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/845,727	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/14/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1256** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

JUN 26 2007

TECHNOLOGY CENTER 2100

Mark M. Takahashi
INGRASSIA FISHER & LORENZ
7150 E. Camelback, Suite 325
Scottsdale, Arizona 85251

In re Application of:
HELLIKER, et al.
Application No. 10/845,734
Filed: May 13, 2004
For: SYSTEM AND METHOD FOR ARCHIVING DATA IN A CLUSTERED ENVIRONMENT

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 July 31, 2006.

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. A search made by a foreign patent office satisfies this requirement;
>
> (d) Submits one copy each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and
>
> (e) Submits a detailed discussion of the references, which discussion points out, with the particularity required by 37 CFR §§ 1.111 (b) and (c), how the claimed subject matter is patentable over the references.

> In those instances where the request for this special status does not meet all the prerequisites set forth above, applicant will be notified and the defects in the request will be stated. The application will remain in the status of a new application awaiting action in its regular turn. In those instances where a request is defective in one or more respects, applicant will be given one opportunity to perfect the request in a renewed petition to make special. If perfected, the request will then be granted. If not perfected in the first renewed petition, any additional renewed petitions to make special may or may not be considered at the discretion of the Technology Center Special Program Examiner.

In this case, the petition fails to adequately meet requirement (b) as set forth supra. Responsive to requirement (b), the petition does not indicate that the Applicant will make an **election without traverse** if the Office determines that all claims are not obviously directed to a single invention.

Because the petition fails to satisfy all of the criteria set forth above, the petition to make special is **DISMISSED**.

Petitioner is given one opportunity to perfect the petition. Any request for reconsideration must be filed within TWO (2) MONTHS from the mailing 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.

Tod Swann
Technology Center 2100
Computer Architecture, Software, and
Information Security
571-272-3612

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

APR 05 2008

Technology Center 2100

INGRASSIA FISHER & LORENZ, P.C.
7010 E. COCHISE ROAD
SCOTTSDALE AZ 85253

In re Application of:
Fabrice HELLIKER, et al.
Application No. 10/845,734
Filed: May 17, 2004
For: **SYSTEM AND METHOD FOR ARCHIVING DATA IN A CLUSTERED ENVIRONMENT**

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 July 12, 2007 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 July 31, 2006 and dismissed on June 12, 2007.

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.

Kim Huynh
Quality Assurance Specialist
Technology Center 2100,
Computer Architecture, Software and Information Security
571-272-4147

UNITED STATES PATENT AND TRADEMARK OFFICE

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

HOLLAND & HART, L.L.P.
P.O. BOX 8749
DENVER, CO 80201

COPY MAILED

AUG 06 2008

OFFICE OF PETITIONS

In re Application of
Hayden et al
Application No. 10/845,741
Filed: May 14, 2004
Attorney Docket No. 48972.830003.USO

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 13, 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 October 13, 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 January 14, 2007. A Notice of Abandonment was mailed May 1, 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 $770.00, and (3) an adequate statement of unintentional delay.

Further, 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 Joan Olszewski at (571) 272-7751.

This application is being referred to Technology Center AU 3765 for appropriate action by the Examiner in the normal course of business on the reply received.

Liana Walsh
Petitions Examiner
Office of Petitions

cc: Shane M. Niebergall
555 17th Street
Suite 3200
Denver, CO 80202-3979

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

TOWNSEND AND TOWNSEND AND CREW LLP/EA
TWO EMBARCADERO CENTER
8TH FLOOR
SAN FRANCISCO, CA 94111

Mail Date: 04/21/2010

Applicant	: Holly Lynn Ruark	: DECISION ON REQUEST FOR
Patent Number	: 7590283	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/845,757	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/13/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1021** 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

JOHN ANASTASI
LOWRIE, LANDO & ANASTASI, LLP
RIVER FRONT OFFICE PARK
1 MAIN STREET, 11TH FLOOR
CAMBRIDGE, MA 02142

COPY MAILED

MAY 10 2007

OFFICE OF PETITIONS

In re Application of	:	
Peter A. Hoenig et al	:	
Application No. 10/845,761	:	DECISION GRANTING PETITION
Filed: May 14, 2004	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. HNG-001US2	:	

This is a decision on the petition, filed May 8, 2007, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on March 14, 2007 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3218.

This matter is being referred to Technology Center AU 3739 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\May10\845761.wpd

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

3-6-07

wk

In re Application of	:	
Witty et al.	:	
Serial Number: 10/845,767	:	DECISION
Filed: May 14, 2004	:	ON
For: APPARATUS AND METHOD FOR PROCESS MONITORING	:	PETITION

This is in response to the request filed December 6, 2006, requesting permission for withdrawal as attorney from the above-identified application.

As revocation has been effected, the petition is **dismissed** as moot.

The attorneys/agents are no longer of record for the above identified patent application

William Krynski, Quality Assurance Specialist
Technology Center 1700
Chemical and Materials Engineering
Technology Center 1700

Paul Davis
Heller Ehrman
275 Middlefield Road
Menlo Park, CA 94025-3506

UNITED STATES PATENT AND TRADEMARK OFFICE

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

LAW OFFICE OF KAREN CANAAN
2225 EAST BAYSHORE ROAD
SUITE 243
PALO ALTO, CA 94303

COPY MAILED

JUL 20 2007

OFFICE OF PETITIONS

In re Patent No. 7,217,393
Application No. 10/845,767
Filing Date: May 14, 2004
Issue Date: May 15, 2007
Attorney Docket No. 40422-0005

DECISION GRANTING PETITION

This is a decision on the petition under 37 CFR 1.182, filed May 18, 2007, requesting issuance of duplicate Letters of Patent for the above-identified patent.

The petition is **granted**.

The file record discloses that the above-cited application matured into U.S. Patent No. 7,217,393 on May 15, 2007. Petitioner contends, however, that the Letter of Patent was mailed to an incorrect person and address. A review of the application file reveals that the Letters of Patent was mailed to Timothy Boyd. A review of the prosecution history reveals that Mr. Boyd has no relation to the subject patent. The evidence is convincing that the Letters of Patent was sent to Mr. Boyd in error.

In view of the facts set forth in the petition, it is concluded that the original Letters of Patent was not received at the proper correspondence address. The Publishing Division is directed to issue duplicate Letters of Patent.

Any questions concerning this decision may be directed to the undersigned at (571)272-3222. Any questions concerning issuance of the duplicate Letter of Patent should be directed to Krystal Paige at (703)308-9250.

A copy of this decision is being forwarded to the Publishing Division for issuance of a duplicate Letter of Patent.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

cc: Krystal Paige, P/OPPD, Crystal Park 3-910 (Fax 571-270-9937)

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MOSER, PATTERSON & SHERIDAN, LLP
AVANEX CORPORATION
3040 POST OAK BLVD
SUITE 1500
HOUSTON, TX 77056

COPY MAILED

NOV 24 2004

OFFICE OF PETITIONS

In re Application of :
Mallecot, et al. :
Application No. 10/845,772 : ON PETITION
Filed: May 14, 2004 :
Attorney Docket No. AVAN/000641 :

This is a decision on the petition under 37 CFR 1.183, filed August 25, 2004, to accept the declaration submitted on August 25, 2004. The instant petition is required as indicated by MPEP 602.[1]

The application was filed on May 14, 2004. However, on July 14, 2004, the Office of Initial Patent Examination (OIPE) mailed a "Notice To File Missing Parts of Nonprovisional Application" (Notice) that stated the application had been accorded a filing date, but, among other things, the oath or declaration is unsigned. In response, on August 25, 2004, the instant petition and an executed declaration were submitted.

Petitioner states, "Enclosed is (i) an executed declaration/power of attorney and (ii) a printout from our law firm's docketing database showing the relationship between the docket number included on the executed declaration (i.e., 103782) and the docket number included on the application filed on March 14, 2004 (i.e., AVAN/000641). Essentially, when the enclosed declaration was executed, another law firm was handling the application on behalf of Alcatel Corp. That firm used its docket number, the 103782 docket number, to identify the application in the declaration. However, prior to the day on which the application

[1] "Any variance from the above guidelines [regarding the identification of the declaration under 37 CFR 1.63] will only be considered upon the filing of a petition for waiver of the rules under 37 CFR 1.183 accompanied by a petition fee (37 CFR 1.17(h))."

was filed, Alcatel assigned all rights in the application to our client, Avanex Corp., and the application was transferred to our law firm. We converted the 103782 docket number to the AVAN/000641 docket number to match the docket numbering convention that we use with other cases belonging to Avanex Corp. As the enclosed docket printout shows, and has highlighted, the "Alcatel Reference 103782" directly corresponds to our "Docket Number AVAN/000641." In addition, the executed declaration (with docket number 103782) includes a claim of priority to French patent application no. 0114760, and the enclosed docket printout shows that the U.S. patent application filed on March 14, 2004 (with docket number AVAN/000641) claims priority to the same French patent application. The fact that the executed declaration contains the same priority claim as the U.S. patent application further evidences that 103782 and AVAN/000641 are docket numbers for the same U.S. patent application.

In sum, the supplied information sufficiently evidences that the docket number included on the declaration (103782) corresponds to the docket number included on the specification filed on March 14, 2004 (AVAN/000641). Applicants therefore submit that the executed declaration "identifies the application to which it is directed," as required under 37 CFR 1.63(b)(1)."

In this instance only, in view of the above, and as the documentation that accompanies the instant petition explains and identifies the declaration, the petition is granted.

The file is being forwarded to Technology Center 2800, for examination in due course.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3228.

Edward J. Tannouse
Petitions Attorney
Office of Petitions
United States Patent and Trademark Office

UNITED STATES PATENT AND TRADEMARK OFFICE

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

FOLEY & LARDNER LLP
321 NORTH CLARK STREET
SUITE 2800
CHICAGO, IL 60610-4764

MAILED

FEB 24 2009

OFFICE OF PETITIONS

In re Application of
ENGLES, Charles R. et al.
Application No. 10/845,774
Filed: May 14, 2004
Attorney Docket No. **0305.12**

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 January 30, 2009.

The request is not approved because it is **moot**.

A review of the file record indicates that the power of attorney to FOLEY & LARDNER LLP has been revoked by the assignee of the patent application on January 29, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **SWANSON & BRATSCHUN, L.L.C.**
8210 SOUTHPARK TERRACE
LITTLETON CO 80120

UNITED STATES PATENT AND TRADEMARK OFFICE

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

PERKINS COIE LLP
POST OFFICE BOX 1208
SEATTLE, WA 98111-1208

COPY MAILED

AUG 18 2006

OFFICE OF PETITIONS

In re Application of :
Lipton. :
Application No. 10/845,778 : DECISION ON PETITION
Filed: May 14, 2004 : TO WITHDRAW
Attorney Docket No. 54275.8026.US01 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 28, 2006.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Baker & McKenzie, LLP has been revoked by the assignee of the patent application on April 7, 2006. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Denise Pothier
Petitions Examiner
Office of Petitions

cc: ZENGEN Inc.
7049 Owensmouth Avenue
Site 112
Canoga Park, CA 91303

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/845,785	05/13/2004	Thomas E. Dando	20435-00159US1	9076

7590 12/06/2005

David L. Hedden
Ashland Inc.
P.O. Box 2219
Columbus, OH 43216

EXAMINER	
RONESI, VICKEY M	

ART UNIT	PAPER NUMBER
1714	

DATE MAILED: 12/06/2005

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Mailed:

In re Application of:
Thomas E. Dando et al.
Serial No.: 10/845,785
Filed: June 13, 2004
For: Process for Preparing Foundry Shapes

DECISION ON PETITION

This is a decision on the petition filed November 9, 2005 to correct inventorship under 37 CFR §1.48(a). It is noted that the applicants have met the requirements of (i) a petition including statements from Eugene F. Damm and John V. Grabel, who are being added as inventors, that the error in inventorship occured without deceptive intention on their part; (ii) oaths or declarations by the inventors; (iii) the processing fee set forth in 37 CFR §1.17(i); and (iv) the written consent of the assignee, Caterpillar, Inc., under 37 CFR 3.73(b).

The petition is therefore GRANTED.

Vasu Jagannathan
SPE, Art Unit 1714

Burton A. Amernick
CONNOLLY BOVE LODGE & HUTZ LLP
1900 M Street, N.W., Suite 800
Washington, DC 20036-3425

UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.uspto.gov

MAILED
FROM DIRECTORS OFFICE

APR 01 2005

TECHNOLOGY CENTER 3600

OLIFF & BERRIDGE, PLC
P.O. BOX 19928
ALEXANDRIA, VA 22320

In re application of
Russel J. Moen et al.
Application No. 10/845,807 : DECISION ON REQUEST
Filed: May 14, 2004 : FOR WITHDRAWAL OF
For: VEHICLE TOW ACESSORY FOR WHEELED RECEPTACLE : ATTORNEY

This is a decision on the request filed on January 18, 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 as MOOT**.

Under 37 CFR 1.36 an attorney may withdraw only upon application to and approval by the Commissioner. It should be noted that a withdrawal is effective when approved, not when filed. Besides giving due notice to his or her client and delivering to the client all papers and property to which the client is entitled as specified under 37 CFR 10.40, approval of such a request requires that the following conditions be met:

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

B) A proper reason for the withdrawal as enumerated in 37 CFR 10.40(b) or subsection (1)-(6) of 37 CFR 10.40(c) must be provided; and

C) If withdrawal is requested in accordance with 37 CFR 10.40(c) above, there must be at least 30 days between approval of the withdrawal and the later of the expiration date of a time period for reply or the expiration date of the period which can be obtained by a petition and fee for extension of time under 37 CFR 1.136(a).

The request to withdraw as attorney in the above-identified application is not approved as moot because the power of attorney has already been withdrawn as per the Notice to that effect of March 01, 2005.

Kenneth J. Dorner
Special Programs Examiner
Patent Technology Center 3600
(703) 308-0866
Facsimile No.: (703) 605-0586

KJD/slb: 03/16/05

cc: Dawn Capp, Esq.
THE BOONES LAW FIRM
4790 Dewey Drive
Fair Oaks, CA 95628

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JUL 2 9 2004

DCM

In re Application of
Knezevic, et al.
Serial Number: 10/845,811
Filed: May 14, 2004
For: RAPID ASSAY, METHOD AND SYSTEM FOR DETECTING BIOWARFARE AGENTS

PETITION UNDER M.P.E.P.708.02 XI

This is in response to the petition filed June 14, 2004, requesting that the above-identified application be granted Special Status under Section 708.02 XI of the MPEP and 37 CFR 1.102(d). The petition fee set forth under 37 CFR 1.17(h) has been paid.

The request for Special Status considered under Section 708.02 XI is granted because criteria under 37 CFR 1.102(d) has been met.

Accordingly the petition is **GRANTED.**

Marian C. Knode

Marian C. Knode, Special Programs Examiner
Technology Center 1700
Chemical and Materials Engineering

KLARQUIST SPARKMAN, LLP
121 SW SALMON STREET
SUITE 1600
PORTLAND OR 97204

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MORGAN & FINNEGAN
3 WORLD FINANCIAL CENTER
NEW YORK NY 10281-2101

COPY MAILED

JAN 09 2006

OFFICE OF PETITIONS

In re Application of :
Masakazu Murase et al :
Application No. 10/845,816 : ON PETITION
Filed: May 14, 2004 :
Attorney Docket No. 5000-5175 :

This is a decision on the petition, filed December 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 November 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 3744 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).

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

COPY MAILED
JUL 0 3 2006
OFFICE OF PETITIONS

In re Application of :
Masakazu Murase, et al :
Application No. 10/845,816 : ON PETITION
Filed: May 14, 2004 :
Attorney Docket No. 5000-5175

This is a decision on the petition filed, June 23, 2006 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on November 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 Irvin Dingle at (571) 272-3210.

This matter 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.

Irvin Dingle
Petitions Examiner
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

COPY MAILED

FEB 24 2005

OFFICE OF PETITIONS

In re Application of :
Gleeson, et al. : DECISION DISMISSING STATUS
Application No. 10/845,819 : UNDER 37 CFR 1.47(a)
Filed: May 13, 2004 :
Atty. Dkt. No.: 003775.P005 :
For: METHOD AND APPARATUS FOR :
FILTERING EMAIL SPAM USING :
EMAIL NOISE REDUCTION :

This decision is in response to the petition under 37 CFR 1.47(a), filed January 19, 2005.

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 legal representative of the deceased 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 May 13, 2004 without an executed oath or declaration. Accordingly, a Notice to File Missing Parts of Nonprovisional Application was mailed July 19, 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 requirements (1) set forth above. Petitioners indicate that a declaration and assignment document were forward to the non-signing inventor and that the inventor has refused to execute the declaration. Petitioner has included a copy of an email with numerous attachments forwarded to the inventor requesting execution of the application documents. The attachments do not appear to identify the instant application by application number nor is there any indication that the complete application papers (specification, including claims, drawings, and oath or declaration) were attached. There is no supporting evidence that the complete application papers were forwarded by mail to the non-signing inventor.

Petitioner is reminded that before a refusal to sign an oath or declaration can be alleged, it must be demonstrated that a *bona fide* effort has been made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the non-signing inventor. Petitioners have failed to establish that the non-signing inventor received a copy of the application papers (specification, claims, drawings, and oath or declaration) and thereafter refused to execute the oath or declaration. Any renewed petition should be accompanied by evidence to establish that the non-signing inventor was sent a complete copy of the application papers (specification, claims, drawings, and oath or declaration) and thereafter refused to execute the declaration. Petitioner may wish to provide the Office copies of letters sent to the inventors indicating the enclosure of the application papers (specification, claims, drawings, and oath or declaration). If after the inventor receives the application papers and requests to execute the oath or declaration are refused, these facts should be set forth in a statement of facts signed by the person to whom the refusals were made and detailing with specificity the exact manner of the refusals. If a written refusal has been made, a copy of the written refusal should be included on renewed petition.

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

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

By facsimile: (703) 872-9306

By hand:

U.S. Patent and Trademark Office
Customer Service Window
Mail Stop Petition
Randolph Building
401 Dulaney Street
Alexandria, VA 22314

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

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

COPY MAILED

AUG 18 2005

OFFICE OF PETITIONS

In re Application of	:
Gleeson, et al.	: DECISION GRANTING
Application No. 10/845,819	: STATUS UNDER 37 CFR
Filed: May 13, 2004	: 1.47(a)
Atty. Dkt. No.: 003775.P005	:
For: METHOD AND APPARATUS FOR	:
FILTERING EMAIL SPAM USING	:
EMAIL NOISE REDUCTION	:

This decision is in response to the renewed petition under 37 CFR 1.47(a), filed July 27, 2005.

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

Petitioner has shown that inventor Art Medlar 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Art Medlar
1998 Ward Street
Berkeley, CA 94703

COPY MAILED

AUG 18 2005

OFFICE OF PETITIONS

In re Application of :
Gleeson, et al. :
Application No. 10/845,819 : LETTER
Filed: May 13, 2004 :
Atty. Dkt. No.: 003775.P005 :
For: METHOD AND APPARATUS FOR :
FILTERING EMAIL SPAM USING :
EMAIL NOISE REDUCTION :

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MARINA PORTNOVA
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

COPY MAILED

JUN 0 2 2009

OFFICE OF PETITIONS

In re Application of	:	
Gleeson et al.	:	DECISION ON PETITION
Application No. 10/845,819	:	TO WITHDRAW
Filed: May 13, 2004	:	FROM RECORD
Attorney Docket No. 6002-01401	:	

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 14, 2006.

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

A review of the file record indicates that on March 28, 2006 the power of attorney to Blakely Sokoloff Taylor & Zafman LLP was revoked by the assignee of the patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C.
P.O. Box 398
Austin TX 78767-0398

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MERCK AND CO., INC
P O BOX 2000
RAHWAY NJ 07065-0907

COPY MAILED

OCT 0 6 2008

OFFICE OF PETITIONS

In re Patent No. 7,342,009 :
Application No. 10/845,833 :
Filed: May 14, 2004 : ON PETITION
Issued: March 11, 2008 :
Attorney Docket No. TI605YS :

This is a decision on the petition filed June 2, 2008, 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.

Further, petitioner will be charged the $130.00 surcharge as authorized.

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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Sander Rabin MD JD
Convergent Technology Patent Law Group
2 Irving Place
Troy, NY 12180-4417

COPY MAILED

SEP 15 2004

OFFICE OF PETITIONS

In re Application of :
Depaola, et al. :
Application No. 10/845,856 :
Filed: May 15, 2004 :
Attorney Docket No. RPI 3651 :

DECISION GRANTING PETITION

This is a decision on the petition filed August 6, 2004, to vacate the Notice of Omitted Items in Nonprovisional Application mailed July 27, 2004, in the above-cited application.

The petition is **granted**.

On May 15, 2004, the above-identified application was filed. However, on July 27, 2004, the Office of Initial Patent Examination mailed a "Notice of omitted Items in Nonprovisional Application" stating that application had been accorded a filing date of May 15, 2004, and advising applicant that Figure 20E as described in the specification appeared to have been omitted. The notice set a two-month period for reply.

In response, on August 6, 2004, applicant filed the present petition , a copy of Figured 20E as described in the specification, and an Office date-stamped postcard receipt acknowledging receipt of 37 pages of the drawing, among other items.

Upon review of the record, Figure 20E was not located among the application papers. However, the evidence is convincing that the application papers deposited May 15, 2004, included Figure 20E, which was subsequently misplaced by the Office. Therefore, the application, Figure 20E was complete on filing and entitled to the presently accorded filing date of May 15, 2004.

Accordingly, the petition is granted; the Notice is vacated, accordingly. The petition fee of $130.00 will be refunded, in due course.

The application file is being returned to the Office of Initial Patent Examination for further processing with the presently accorded filing date of May 15, 2004, using the 37 pages of the specification filed on that date.

Any inquiries related to this decision should be directed to the undersigned at (703) 305-0010

Kenya A. McLaughlin

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JOSEPH B. LERCH
GIBSON & DERNIER L.L.P.
900 ROUTE 9 NORTH
SUITE 504
WOODBRIDGE NJ 07095

COPY MAILED

JUN 0 3 2009

OFFICE OF PETITIONS

In re Application of :
Yang et al. :
Application No. 10/845,866 :
Filed: May 14, 2004 :
Title: Remote Controlling Device With Visual Recognition Functions :

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 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.

The request was signed by Joseph B. Lerch on behalf of all attorneys of record who are associated with Customer No. 27538.

All attorneys/agents associated with Customer Number 27538 have been withdrawn. Applicants are reminded that there is no attorney of record at this time.

An improper Revocation of Power of Attorney with New Power of Attorney and Change of Correspondence Address request was filed in the above-identified application on May 22, 2006 by the assignee. However, the request could not be processed since no Statement under 37 CFR 3.73(b) was ever filed in the above-identified application.

Accordingly, all future correspondence will be directed to the first named inventor at the address indicated below.

A Notice of Abandonment was mailed on February 21, 2007.

Telephone inquires concerning this decision should be directed to Petitions Examiner Joan Olszewski at (571) 272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

cc: Mr. Lian Yang
No. 1, Ailang Road, Taifeng Industrial Zone
Xiaolan Town, Guangdong Province 528248
P.R. China

UNITED STATES PATENT AND TRADEMARK OFFICE

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

IBM CORPORATION
PO BOX 12195
DEPT YXSA, BLDG 002
RESEARCH TRIANGLE PARK, NC 27709

Mail Date: 04/20/2010

Applicant	: James H. Maher	: DECISION ON REQUEST FOR
Patent Number	: 7587706	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/845,872	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/14/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1265** 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

INTELLECTUAL PROPERTY GROUP
FREDRIKSON & BYRON PA
200 SOUTH SIXTH ST
SUITE 4000
MINNEAPOLIS MN 55402

COPY MAILED

AUG 07 2006

OFFICE OF PETITIONS

In re Application of	:	
Thomas Dokken	:	
Application No. 10/845,880	:	DECISION ON PETITION
Filed: May 14, 2004	:	
Attorney Docket No. 32415.1.4	:	

This is a decision on the petition, filed March 28, 2006, to revive the above-identified application under 37 CFR 1.137(b).

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely file a proper response to the non-final Office action mailed July 12, 2005, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on October 13, 2005. A Notice of Abandonment was mailed on March 10, 2006.

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 a continuation application.

The above-identified application is being revived solely for purposes of continuity. As continuity has been established by this decision reviving the above-identified application, the above-identified application is again abandoned in favor of application No. 11/390,891, filed March 28, 2006.

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

HUGH D JAEGER, P.A.
P.O. BOX 672
WAYZATA, MN 55391-0672

COPY MAILED

JAN 0 5 2009

OFFICE OF PETITIONS

In re Application of :
Brent Henry Berger, et al. :
Application No. 10/845,894 : DECISION ON PETITION
Filed: May 14, 2004 :
Attorney Docket No. DAKTRONICS :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 3, 2008, to revive the above-identified application.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, July 6, 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 October 7, 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 $1620, and (3) a proper statement of unintentional delay.

The petition is **GRANTED**.

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 undersigned at (571) 272-1642.

This application is being referred to Technology Center AU 2629 for appropriate action by the Examiner in the normal course of business on the reply received October 3, 2008.

April M. Wise
Petitions Examiner
Office of Petitions

cc: HUGH D. JAEGER, ESQ.
PO BOX 432
WAYZATA, MN 55391-0432

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

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

Mail Date: 05/21/2010

Applicant	: Brent Henry Berger	: DECISION ON REQUEST FOR
Patent Number	: 7646357	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 10/845,894	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/14/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1442** 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

COPY MAILED

SEP 23 2008

FISH & RICHARDSON PC
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

In re Application of Mark G. Currie, et al. Application No. 10/845,895 Filed: May 14, 2004 Attorney Docket No. 14184-045001 / MIC008CIP2	:	DECISION GRANTING PETITION UNDER 37 CFR 1.313(c)(2)

This is a decision on the petition under 37 CFR 1.313(c)(2), filed September 22, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on June 30, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 1654 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

April M. Wise
Petitions Examiner
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. None

Edward S. Sherman
3354 Round Barn Blvd.
Suite 303
Santa Rosa, CA 95403

COPY MAILED

JUL 2 8 2004

OFFICE OF PETITIONS

In re Application of	:	
Thomas G. McGuinness	:	
Application No. 10/845,910	:	DECISION ON PETITION
Filed: May 14, 2004	:	UNDER 37 C.F.R. §1.10(D)
Attorney Docket No. 112.01NP	:	
Title: Vessel propelled by	:	
oscillating fin mechanism	:	

Background

This is a decision on the petition under 37 C.F.R. §1.10(d), submitted on May 27, 2004, requesting that the application be accorded a filing date of May 14, 2004.

Shortly after May 14, 2004, the above-identified application was received in the Office. The Office of Initial Patent Examination mailed petitioner's postcard receipt, which indicated that the application had been accorded a filing date of May 15, 2004.

In response, on May 27, 2004, applicants filed the present petition. Petitioners have included a copy of the Express Mail Label having a number of ER386402625US[1]. Applicants request that the application be accorded a filing date of May 14, 2004.

1 The Utility Patent Application Transmittal sheet has been located in the electronic file, and it is noted that it contains this same Express Mail label number.

Petitioner has alleged that the application was deposited on May 14, 2004, and the Patent Office has incorrectly assigned a filing date of May 15, 2004 to the instant application.

The relevant sections of the CFR and MPEP

37 C.F.R. § 1.10: Filing of correspondence by "Express Mail."

(b) Correspondence should be deposited directly with an employee of the USPS to ensure that the person depositing the correspondence receives a legible copy of the "Express Mail" mailing label with the "date-in" clearly marked. Persons dealing indirectly with the employees of the USPS (such as by deposit in an "Express Mail" drop box) do so at the risk of not receiving a copy of the "Express Mail" mailing label with the desired "date-in" clearly marked. The paper(s) or fee(s) that constitute the correspondence should also include the "Express Mail" mailing label number thereon. See paragraphs (c), (d) and (e) of this section.

(d) Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS was incorrectly entered or omitted by the USPS, may petition the 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 the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS.

MPEP §513: Deposit as Express Mail with U.S. Postal Service sets forth, in part:

37 CFR 1.10(b) further provides that correspondence should be deposited directly with an employee of the USPS to ensure that the person depositing the correspondence receives a legible copy of the "Express Mail" mailing label with the "date-in" clearly marked, and that persons dealing indirectly with the employees of the USPS (such as by depositing correspondence in an "Express Mail" drop box) do so at the risk of not receiving a copy of the "Express Mail" mailing label with the desired "date-in" clearly marked. On petition, the failure to obtain an "Express Mail" receipt with the "date-in" clearly

marked may be considered an omission that could have been avoided by the exercise of due care, as discussed below. While the Office strongly urges direct deposit of "Express Mail" correspondence in order to obtain a legible copy of the "Express Mail" mailing label, parties are not precluded from using "Express Mail" drop boxes, but do so at their own risk.

A paper or fee placed in an "Express Mail" box receptacle after the box has been cleared for the last time on a given day will be considered to be deposited as of the date of receipt ("date-in") indicated on the "Express Mail" mailing label by the Postal Service "Express Mail" acceptance clerk. 37 CFR 1.10(d) permits the Office to correct a USPS "date-in" error when the correspondence is deposited in an "Express Mail" drop box prior to last scheduled pick up of the day, that is, the time clearly marked on the "Express Mail" drop box indicating when the box will be cleared for the last time on the date of deposit. 37 CFR 1.10(d) sets forth the procedures to be followed to be entitled to such a correction.

Parties who do use drop boxes can protect themselves from uncertainty due to illegible mailing labels by routinely maintaining a log of "Express Mail" deposits in which notations are entered by the person who deposited the correspondence as "Express Mail" within one business day after deposit with the USPS. Such evidence could be useful to later support a petition filed under 37 CFR 1.10(c), (d) or (e). Evidence that came into being after deposit and within one day after the deposit of the correspondence as "Express Mail" may be in the form of a log book which contains information such as the "Express Mail" number; the application number, attorney docket number or other such file identification number; the place, date and time of deposit; the time of the last scheduled pick-up for that date and place of deposit; the depositor's initials or signature; and the date and time of entry in the log.

Analysis

Regarding the Express Mail label, it is noted that the label contains a "date-in" of May 15, 2004. A check of the Office's USPS Express Mail Finder Database computer program was inconclusive. A check of the United States Postal Service's website (http://www.usps.com/shipping/trackandconfirm.htm) sets forth that the package was received on May 15, 2004. A print-out of this report has been enclosed.

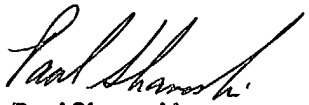
Petitioner has alleged that the above-identified application was placed in an Express Mail drop box on May 14, 2004, and the incorrect date was subsequently placed on the Express Mail label. To coorborate this assertion, Petitioner has included a copy of a sheet from a log book, which lists the attorney docket number, the date "14 May 04", the name of the Post Office location, the text "5:10 pm by ESS," and the text "5:45 pm scheduled." Petitioner has also included what appears to be a print-out from the USPS's website, indicating that the Post Office location indicated on the sheet picks up its last collection at 5:45 PM.

It is not entirely clear exactly when this entry was made into the log book. In Petitioner's statement, he writes that the entry was "initialed by me (ESS) at 5:10 pm on that same date." As such, the Office will construe this language to mean that the Petitioner brought his log book with him to the post office, and made the entry contemporaneously with the depositing of the application in the Express Mail drop-box. Therefore, the entry "5:10 pm" is being construed as a representation by the Petitioner that the application was deposited at this time, and that the entry was made at this time as well. Petitioner must notify the Office if this is not a correct interpretation of the statement contained in the instant petition.

Accordingly, the petition is **GRANTED**. The application is entitled to a filing date of May 14, 2004.

The application file is being returned to the Office of Initial Patent Examination for further processing with a filing date of May 14, 2004, as well as the mailing of a corrected filing receipt.

Any inquiries related to this decision should be directed to the undersigned at (703) 305-0011. Please note that on approximately September 28, 2004, the Office of Petitions will relocate to the new PTO location in Alexandria. Although the mailing address will remain the same, the general phone number for the Office of Petitions which should be used for status requests will change to 571-272-3282, and the telephone number for the undersigned will change to 571-272-3225.



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

Encl. Copy of the USPS website tracking results

UNITED STATES 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

COPY MAILED

OCT 13 2004

OFFICE OF PETITIONS

EDWARD S. SHERMAN, ESQ.
3554 ROUND BARN BLVD.
SUITE 303
SANTA ROSA CA 95403

In re Application of :
Thomas G. McGuinness :
Application No. 10/845,910 : DECISION ON PETITION
Filed: May 14, 2004 :
Attorney Docket No.: :
112.01NP :
Title: VESSEL PROPELLED BY :
OSCILLATING FIN WITH CONTROL :
MECHANISMS :

This is a decision on the petition filed August 30, 2004, requesting that the above-identified application, including pages 3-14 of the specification, be accorded a filing date of May 14, 2004 as part of the original disclosure.

The application was deposited on May 14, 2004. However, on August 23, 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 pages 3-14 of the specification appeared to have been omitted. The notice set a two-month period of reply.

In response, on August 30, 2004, applicants filed the present petition. The petition is further accompanied by a copy of pages 3-14 of the specification, along with a copy of applicants' postcard receipt acknowledging receipt of "Specification, Abstract and claims 43 sheets" in the United States Patent and Trademark Office (Office) on May 14, 2004. Applicants request that pages 3-14 of the specification be accorded a filing date of May 14, 2004.

It is noted that 25 pages of specification (including a 1 page cover sheet), 6 pages of claims, and a 1 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 May 14, 2004 included pages 3-14 of the specification, and these sheets were subsequently misplaced in the Office.

This conclusion is predicated on the assumption that Petitioner incorrectly itemized his postcard receipt, in that he failed to include the cover sheet as one of the submitted pages. If this assumption is incorrect, Petitioner must notify the Office.

Therefore, the application, including pages 3-14 of the specification, was complete on filing and entitled to a filing date of May 14, 2004 as part of the original disclosure.

Accordingly, the petition is **GRANTED**.

The notice mailed August 23, 2004 was sent in error, and is hereby **VACATED**. Therefore, no petition fee is necessary. If the petitioner wishes to have the $130.00 petition fee refunded, he should submit a request for refund to the Office of Finance[1]. A copy of this decision should accompany any such request. Petitioner should note that refunds to credit cards are not feasible, as form PTO-2038 is not retained by the Office. As such, the Office no longer has access to Petitioner's credit card information.

The application file is being returned to OIPE for further processing with a filing date of May 14, 2004, using the original application papers filed on that date, as well as pages 3-14 of the specification submitted on May 14, 2004, and for noting in Office records that these sheets were present on filing.

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

1 The Refund Branch processes all customer requests for refunds. It generally takes four to six weeks for a request to be processed and a check generated. All requests for refund should be sent to: Mail Stop 16, Director of the US Patent and Trademark Office, PO Box 1450, Alexandria, VA 22313-1450. Office hours are Monday - Friday from 8:30 AM to 5:00 PM. To check the status of a request that has been filed please contact the Refund Branch directly at 703-305-4229.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

COPY MAILED

MAR 2 8 2007

OFFICE OF PETITIONS

In re Patent No. 7,176,024 :
Issued: February 13, 2007 :
Application No. 10/845,914 : ON PETITION
Filed: May 14, 2004 :
Attorney Docket No: 040989/278524 :

This is a decision regarding your request for acceptance of a fee deficiency submission and loss of small entity status filed February 7, 2007 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.33d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

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

Your fee deficiency submission under 37 CFR 1.28 has been charged to deposit account no. 16-0605 and is hereby accepted. The petition is **GRANTED**. Status as a small entity has also been removed.

Inquiries related to this communication should be directed to the Office of Petitions Staff at (571) 272-3282.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 2/5/08

Paper No.: ---

TO SPE OF : ART UNIT 1762

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/845,956 Patent No: 7,172,786 B2

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

With respect to the change(s) requested to correct Office and/or Applicant's errors, should the patent read as shown in the certificate of correction attached herewith or the COCIN document(s), in IFW images for the above-identified patented application? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

If the response is for an IFW, within 7 days, please complete and forward the response, to the employee (named below) via scanning into application images, using document code **COCX**.

If the response is for a paper file wrapper, please complete the response and forward the response with the paper file wrapper, to the employee (named below), within 7 days, to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

VIRGINIA TOLBERT
Certificates of Correction Branch
703-308-9390 ext. 113

Thank You For Your Assistance

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

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

Comments: _____

SPE — 1762 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

JOHN T. WINBURN
100 BOSCH BOULEVARD
NEW BERN NC 28562

COPY MAILED

JUN 21 2006

OFFICE OF PETITIONS

In re Application of	:	
Cengiz KUCUK et al.	:	DECISION ON PETITIONS
Application No. 10/845,961	:	UNDER 37 CFR 1.183 AND
Filed: May 14, 2004	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 2001P13016WOUS	:	

This is a decision on the petition under 37 CFR 1.183, filed March 20, 2006, requesting waiver of 37 CFR 1.78(a)(3) as that rule operates in conjunction with 37 CFR 1.17(t), and a decision on the petition under 37 CFR 1.78(a)(3), filed April 28, 2006, to accept an unintentionally delayed claim under 35 U.S.C. § 120 and 365(c) for the benefit of priority to prior-filed PCT Application No. PCT/EP02/12220, filed October 31, 2002, set forth in the accompanying Application Data Sheet.

The petition under 37 CFR 1.183 is **DISMISSED** as moot in view of the request filed April 28, 2006, withdrawing the petition to waive the surcharge fee requirement of 37 CFR 1.78(a)(3). No fee has been assessed to petitioner's deposit account for the petition under 37 CFR 1.183.

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

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

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

(2) the surcharge set forth in § 1.17(t); and

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

All the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 120 and 365(c) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that the application is entitled to the benefit of the prior-filed application. In order for the application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. §§ 120 and 365(c) and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

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

Any inquiries concerning this decision may be directed to David Bucci at (571) 272-7099. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to the examiner of Technology Center Art Unit 3637 for appropriate action on the amendment filed April 28, 2006, including consideration of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 and 365(c) to the above-noted, prior-filed PCT application.

Brian Hearn
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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

CNH AMERICA LLC
INTELLECTUAL PROPERTY LAW DEPARTMENT
PO BOX 1895, MS 641
NEW HOLLAND PA 17557

COPY MAILED

SEP 0 5 2006

OFFICE OF PETITIONS

In re Application of :

William H. Adamson et al. :
Application No. 10845967 : DECISION ON PETITION
Filed: May 14, 2004 : TO WITHDRAW
Attorney Docket No. 17511 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 17, 2005.

The request is **NOT APPROVED**.

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

The 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 legally represent the assignee, 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 Charles Smoot at 571-272- 3299.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MIRUS CORPORATION
505 SOUTH ROSA RD
MADISON WI 53719

MAILED

MAY 05 2009

OFFICE OF PETITIONS

In re Application of	:	
Monahan et al.	:	
Application No. 10/845,968	:	DECISION ON PETITION
Filed: May 14, 2004	:	
Attorney Docket No. Mirus.030.09.4	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 2, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a proper After-Final Amendment, (2) the petition fee of $810.00, and (3) a proper statement of unintentional delay.

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

This application is being referred to Technology Center AU 1636 for examination in due course.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

JUL 12 2004
PATENT & TRADEMARK OFFICE

IFW
P

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:		§	
	Salinas, et al.	§	Group Art Unit: 1700
		§	
Serial No.:	10/845,971	§	
		§	
Filed:	May 14, 2004	§	Examiner:
		§	
For:	Hydrogen Generator	§	
		§	

Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

PETITION TO MAKE SPECIAL PURSUANT TO 37 CFR 1.102(c)

Applicant hereby files this Petition to make the above captioned pending patent application special pursuant to 37 CFR 1.102. Applicant respectfully petitions that this application, titled Hydrogen Generator, receive advancement of examination per MPEP § 708.02 (VI) and 37 CFR 1.102(c) by reason that the claimed invention will materially contribute to the development or conservation of energy resources and more particularly, that Applicant's claimed invention contributes to the more efficient utilization and conservation of energy resources through further development of hydrogen fuel technology.

Applicant claims a hydrogen generator that generates hydrogen by controllably releasing the hydrogen that is chemically stored in chemical hydrides. The released hydrogen may then be utilized as a fuel for a hydrogen-oxygen fuel cell or consumed by other devices that utilize hydrogen as a fuel. Use of fuel cells that consume hydrogen as a fuel is of increasing interest because these fuel cells replace devices that consume fossil fuels as a fuel. Fossil fuels are a nonrenewable energy source and are increasing in cost. Therefore, new sources of energy and fuels are highly sought after to replace the fossil fuels. By utilizing hydrogen as a fuel, the nonrenewable fuels such as coal, natural gas and petroleum are conserved.

PETITION GRANTED

William Krynski
Special Program Examiner
Technology Center 1700
FEB 27 2006

UNITED STATES PATENT AND TRADEMARK OFFICE

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

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD MA 01742-9133

COPY MAILED

APR 12 2007

OFFICE OF PETITIONS

In re Application of :
Alton, et al. :
Application No. 10/846,002 : ON PETITION
Filed: May 14, 2004 :
Attorney Docket No. 1842.2008-001 :
For: MICROWAVE RADIATING APPLICATOR WITH REDUCED SENSITIVITY TO SURROUNDING MEDIA

This is a decision on the petition, filed February 16, 2007 (certificate of mailing date February 14, 2007), under 37 CFR 1.137(b) to revive the above-identified application.

The above-identified application became abandoned for failure to timely submit a reply within three (3) months of the mailing of the November 16, 2005 non-final Office action. No response being received and no extensions of time being obtained, this application became abandoned on February 17, 2006. A Notice of Abandonment was mailed on June 22, 2006.

Applicants have submitted an amendment in reply to the November 16, 2005 non-final Office action, an acceptable statement of the unintentional nature of the delay in responding to the November 16, 2005 non-final Office action, and the petition fee.

The petition is **GRANTED**.

After the mailing of this decision the application will be forwarded to Technology Center AU 3742 for consideration of the amendment filed on February 16, 2007 (certificate of mailing date February 14, 2007).

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

RAYTHEON COMPANY
C/O DALY, CROWLEY, MOFFORD & DURKEE
354A TURNPIKE STREET
SUITE 301A
CANTON MA 02021

COPY MAILED

DEC 0 5 2006

OFFICE OF PETITIONS

In re Application of :
Laura M. Burnett et al :
Application No. 10/846,044 : DECISION GRANTING PETITION
Filed: May 14, 2004 : UNDER 37 CFR 1.137(b)
Attorney Docket No. RTN-293PUS :

This is a decision on the petition under 37 CFR 1.137(b), filed August 4, 2006, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of a Statement Under 305(c)Of the Aeronautics and Space Act(2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of February 11, 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 3746.

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

THERESA MARIE MARLER
2034 LYNN AVENUE
LOS GATOS, CA 95032

COPY MAILED

JUL 22 2005

OFFICE OF PETITIONS

In re Application of :
Theresa Marie Marler :
Application No. 10/846,054 : ON PETITION
Filed: May 15, 2004 :
Attorney Docket No. :

This is a decision on the petition under 37 CFR 1.137(b), filed June 17, 2005, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice) mailed July 20, 2004. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on September 21, 2004.

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 matter is being referred to the Initial Patent Examination Unit.

Irvin Dingle
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc:

Roy L. Anderson
1010 North Central Avenue
Glendale, CA 91202

UNITED STATES PATENT AND TRADEMARK OFFICE

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

NOV 1 2005

THE LAW OFFICES OF Boris G. Tankhilevich
Suite A
536 N. Civic Drive
Walnut Creek, CA 94597

In re Application of:
Michael Kozhukh
Serial No.: 10/846,055
Filed: May 18, 2004
Attorney Docket No.: **KOZHUKH-1/TANK-236**

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 January 28, 2005.

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 Boris G. Tankhilevich, on behalf of himself.

The request is **APPROVED**.

All future communications from the Office will be directed to the inventor, Michael Kozhukh, at the below address, until otherwise notified by applicant.

Inquiries related to this decision should be directed to Clayton E. LaBalle at (571) 272-1594.

Clayton E. LaBalle, Special Programs Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

cc: Michael Kozhukh
1036 Colorado Avenue, #2-O
Palo Alto CA 94303

UNITED STATES PATENT AND TRADEMARK OFFICE

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

GARDERE WYNNE SEWELL LLP
INTELLECTUAL PROPERTY SECTION
3000 THANKSGIVING TOWER
1601 ELM ST
DALLAS TX 75201-4761

COPY MAILED

JUN 30 2009

OFFICE OF PETITIONS

In re Application of
Walter J. Boryca et al.
Application No. 10/846,065
Filed: May 23, 2005
Attorney Docket No.: 125299-1009

ON PETITION

This is a decision on the petition filed June 10, 2009, under 37 CFR 1.137(b) to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely respond to the Final Office Action mailed June 11, 2008. Accordingly, a Notice of Abandonment was mailed December 19, 2008.

In response thereof, 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 3742 for processing of the RCE.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No.

COPY MAILED

JUN 15 2009

OFFICE OF PETITIONS

Weaver Austin Villeneuve & Sampson LLP
P.O. BOX 70250
OAKLAND CA 94612-0250

In re Application of :
N. Peter Armitage et al. :
Application No. 10/846,072 :
Filed: May 14, 2004 : DECISION ON PETITION
Attorney Docket No. : UNDER 37 C.F.R. § 1.137(B)
NANOP035/NMX-090.1 :
Title: FLEXIBLE NANOSTRUCTURE :
ELECTRONIC DEVICES :

This is a decision on the petition filed February 24, 2009, pursuant to 37 C.F.R. § 1.137(b), to revive the above-identified application.

The petition pursuant to 37 C.F.R. § 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to reply within the meaning of 37 C.F.R § 1.113 in a timely manner to the final Office action mailed September 12, 2007, which set a shortened statutory period for reply of three months. No extensions of time under the provisions of 37 C.F.R § 1.136(a) were obtained, and no response was received. Accordingly, the above-identified application became abandoned on December 13, 2007. A notice of abandonment was mailed on December 24, 2008.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed;

(2) The petition fee as set forth in 37 C.F.R. § 1.17(m);
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
(4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

With this petition, Petitioner filed the petition fee and the proper statement of unintentional delay. Petitioner further submitted a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114, including a request for consideration of a concurrently submitted amendment and payment of the RCE fee. The RCE has been accepted as the required reply under 37 C.F.R. § 1.137(b)(1).

As such, the first three requirements of Rule 1.137(b) have been met. The fourth requirement of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.[1]

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the submission under 37 C.F.R. § 1.114 - the amendment that was submitted on February 24, 2009 - can be processed.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the revival has been acknowledged by the Technology Center in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to the Technology Center where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225[2]. All other inquiries

---

1 See Rule 1.137(d).
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).

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

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

BAKER BOTTS L.L.P.
2001 ROSS AVENUE
SUITE 600
DALLAS, TX 75201-2980

COPY MAILED

SEP 20 2006

OFFICE OF PETITIONS

In re Application of	:	
Yang et al.	:	
Application No. 10/846,089	:	
Filed: May 14, 2004	:	DECISION ON
Attorney Docket Number: 062891.1276	:	PETITION

This is a decision in response to the "Nonfee Petition under 37 C.F.R. § 1.181(a) to Withdraw Holding of Abandonment and Re-mail Nonfinal Office Action, filed July 23, 2006.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly respond to the non-final office action, mailed June 23, 2005. The Office action set a three (3) month period for reply, and provided for extensions of time under 37 CFR 1.136(a). No response having been received, the application became abandoned on September 24, 2005. A Notice of Abandonment was mailed June 29, 2006.

With the instant petition, Petitioner has demonstrated non-receipt of the Notice by a preponderance of the evidence.

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 2616 for re-mailing of the non-final office action.

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

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

THOMAS B. HAVERSTOCK
HAVERSTOCK & OWENS LLP
162 NORTH WOLFE ROAD
SUNNYVALE, CA 94086

COPY MAILED

JAN 0 5 2009

OFFICE OF PETITIONS

In re Application of :
Theodore L. Griggs :
Application No. 10/846,096 : DECISION ON PETITION
Filed: May 14, 2004 : TO WITHDRAW
Attorney Docket No. JANJA-00403 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 19, 2008.

The request is **NOT APPROVED**.

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

The request cannot be approved because petitioner has not made the necessary certifications needed to grant the request to withdraw.

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

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

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: PETER A. EMMI, ESQ.
PATTERSON BELKNAP WEBB & TYLER, LLP
1133 AVENUE OF THE AMERICAS
NEW YORK, NY 10036

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

VISTA IP LAW GROUP LLP
1885 Lundy Avenue
Suite 108
SAN JOSE, CA 95131

Mail Date: 04/21/2010

Applicant	: Vasudha Krishnaswamy	: DECISION ON REQUEST FOR
Patent Number	: 7574419	: RECALCULATION of PATENT
Issue Date	: 08/11/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/846,099	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/13/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **522** 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

Brian M. Hoffman
FENWICK & WEST LLP
Silicon Valley Center
801 California Street
Mountain View, CA 94041

MAILED

MAY 31 2005

Technology Center 2100

In re Application of:
John MILLARD
Application No.: 10/846,109
Filed: May 14, 2004
For: PROTECTING A COMPUTER COUPLED TO A NETWORK FROM MALICIOUS CODE INFECTIONS

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY OR AGENT

This is a decision on the Request to Withdraw from Representation filed June 3, 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.

for Vincent N. Trans
Special Program Examiner
Technology Center 2100
Computer Architecture, Software, and
Information Security
571-272-3613

cc: Sonnenschein Nath & Rosenthal LLP
For Symantec Corporation
P.O. Box 061080
Wacher Drive Station, Sears Tower
Chicago, IL 60606-1080

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
10/846,116	05/14/2004	Daniela Schapler	08020.0004

CONFIRMATION NO.
1300

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

Date Mailed: October 24, 2005

Decision Dismissing Petition under 37 CFR 1.138(c)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(c), for express abandonment to avoid publication of the above-identified application.

The petition is dismissed.

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

1. ☑ The petition under 37 CFR 1.138(c) was not filed in sufficient time to permit the appropriate officials to recognize the abandonment and remove the application from the publication process.

2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).

3. ☐ The Application was published in compliance with 35 U.S.C. 122(b), and it is available on the USPTO web site at http://www.uspto.gov/patft/index.html.

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

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

INDIANAPOLIS OFFICE 27879
BRINKS HOFER GILSON & LIONE
CAPITAL CENTER, SUITE 1100
201 NORTH ILLINOIS STREET
INDIANAPOLIS, IN 46204-4220

Mail Date: 04/21/2010

Applicant	: Ken Igarashi	: DECISION ON REQUEST FOR
Patent Number	: 7590888	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/846,125	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/14/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **665** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COPY MAILED

OCT 25 2006

OFFICE OF PETITIONS

FISH & RICHARDSON PC
PO BOX 1022
MINNEAPOLIS MN 55440-1022

In re Application :
Behin, et al. :
Application No. 10/846,137 : DECISION ON APPLICATION
Filed: May 14, 2004 : FOR PATENT TERM ADJUSTMENT
Atty Docket No. 07043-083003 :

This is a decision on the "LETTER REGARDING PATENT TERM ADJUSTMENT," filed July 24, 2006. Applicants request that the initial determination of patent term adjustment under 35 U.S.C. 154(b) of ninety-one (91) days be corrected to fifty-four (54) days.

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

On April 26, 2006, 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 was ninety-one (91) days. On May 10, 2006, applicants filed a supplemental response and were assessed applicant delay of thirty-seven (37) days.

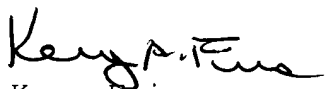
The Office initially determined a patent term adjustment of ninety-one (91) days based on an adjustment for PTO delay of ninety-one (91) days pursuant to 35 U.S.C. 154(b)(1)(A)(i) and 37 C.F.R. § 1.703(a)(1), reduced by zero (0) days of applicant delay.

In view thereof, the correct determination of patent term adjustment at the time of the mailing of the Notice of Allowance was ninety-one (91) days. However, as pointed out above, applicants were properly assessed delay of thirty-seven (37) days after the mailing of the Notice of Allowance.

No fee has been charged. The Office thanks applicant for his good faith and candor in bringing this matter to the Office's attention.

The application file is being forwarded to the Office of Patent Publication for processing into a patent.

Telephone inquiries specific to this matter should be directed to Cliff Congo, Petitions Attorney, at (571)272-3207.



Kery Fries
Senior Legal Advisor
Office of Patent Legal Administration
Office of 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

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

COPY MAILED

DEC 17 2009

OFFICE OF PETITIONS

In re Application of	:	
Shults et al.	:	
Application No. 10/846150	:	DECISION ON PETITION
Filed: 05/14/2004	:	UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. DEXCOM.8DV1CP	:	

This is a decision on the petition under 37 CFR 1.78(a)(6), filed October 9, 2009, 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 **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.

This pending nonprovisional application was filed on May 14, 2004, within twelve months of the filing date of the prior-filed provisional application, Application No. 60/472,673, which was filed

on May 21, 2003, 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.

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 Senior Petitions Attorney Douglas I. Wood at (571) 272-3231. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

The application is being forwarded to Technology Center AU 3735 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.

Anthony Knight
Supervisor
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
10/846,150	05/14/2004	3735	1315	DEXCOM.8DV1CP	80	3

CONFIRMATION NO. 8836

CORRECTED FILING RECEIPT

20995
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

Date Mailed: 12/17/2009

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

Applicant(s)

Mark C. Shults, Madison, WI;
James H. Brauker, San Diego, CA;
Victoria Carr-Brendel, Pleasanton, CA;
Mark Tapsak, Orangeville, PA;
Dubravka Markovic, San Diego, CA;
Stuart J. Updike, Madison, WI;
Rathbun K. Rhodes, Madison, WI;

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a CIP of 10/647,065 08/22/2003 PAT 7,192,450
which claims benefit of 60/472,673 05/21/2003
This application 10/846,150
is a CIP of 09/447,227 11/22/1999
which is a DIV of 08/811,473 03/04/1997 PAT 6,001,067
This application 10/846,150
claims benefit of 60/544,722 02/12/2004
and claims benefit of 60/472,673 05/21/2003

Foreign Applications

If Required, Foreign Filing License Granted: 07/26/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 10/846,150**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Analyte measuring device

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 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

Paper No. None

Joseph J. Jochman
ANDRUS, SCEALES, STARKE & SAWALL, LLP
Suite 1100
100 East Wisconsin Avenue
Milwaukee WI 53202-4178

COPY MAILED

DEC 14 2004

OFFICE OF PETITIONS

In re Application of :
Ludwig Pernstich et al. :
Application No. 10/846,161 : DECISION ON PETITION
Filed: May 14, 2004 :
Attorney Docket No.: :
5062-00001 :
Title: APPARATUS FOR FASTENING :
A CAMERA TO AN OBSERVATION :
TELESCOPE :

This is a decision on the petition filed October 15, 2004, requesting that Figure 5 be accorded a filing date of May 14, 2004, as part of the original disclosure.

The application was deposited on May 14, 2004. However, on September 17, 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 the application appeared to have been deposited without Figure 5. The notice set a two-month period for response.

In response, on October 15, 2004, applicants filed the present petition. The petition is further accompanied by a copy of Figure 5, along with a copy of applicants' postcard receipt acknowledging receipt of "Drawing: Informal No. of Sheets 3" in the United States Patent and Trademark Office (Office) on May 14, 2004. Applicants request that Figure 5 be accorded a filing date of May 14, 2004 as part of the original disclosure.

It is noted that 2 sheets of drawings have been located in the electronic file, containing Figures 1 - 4.

Upon review of the record, the above-mentioned figure has not been located among the application papers. However, the evidence is convincing that the application papers deposited on May 14, 2004 included Figure 5, and the sheet containing this figure was subsequently misplaced in the Office.

Therefore, the application, including Figure 5, was complete on filing and this figure is entitled to a filing date of May 14, 2004 as part of the original disclosure.

Accordingly, the petition is **GRANTED**.

The notice mailed September 17, 2004 was sent in error, and is hereby **VACATED**. Therefore, no petition fee is necessary. The petition fee of $130 will be refunded to petitioner's Deposit Account.

The application file is being returned to the Office of Initial Patent Examination for further processing with a filing date of May 14, 2004, using the original application papers filed on that date, as well as the Figure 5 submitted on October 15, 2004 and for indication in Office records that this figure was present on filing.

The general phone number for the Office of Petitions which should be used for status requests is (571) 272-3282. Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Joseph C. Zucchero
Keown & Associates
Suite 1200
500 West Cummings Park
Woburn, MA 01801

Mail Date: 04/21/2010

Applicant	: Ekambar R. Kandimalla	: DECISION ON REQUEST FOR
Patent Number	: 7569554	: RECALCULATION of PATENT
Issue Date	: 08/04/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/846,167	: OF WYETH
Filed	: 05/14/2004	:
		:

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
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

AUG 13 2004

TECHNOLOGY CENTER 2100

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

In re Application of:
Adisak MEKKITTIKUL, et al.
Application No. 10/846,178
Filed: May 13, 2004
For: METHOD AND SYSTEM FOR SCALING MEMORY BANDWIDTH IN A DATA NETWORK

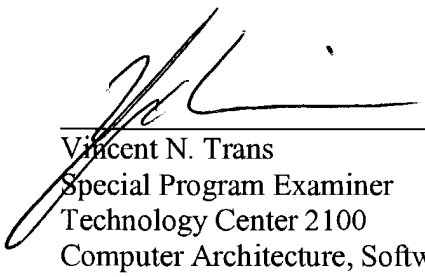
DECISION ON REQUEST TO WITHDRAW AS ATTORNEY OR AGENT

This is a decision on the Request to Withdraw from Representation filed July 30, 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
703-305-9750

cc: Lantern Communications, Inc.
1246 Reamwood Avenue
Sunnyvale, CA 94089

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 7/1/08

Paper No.: —

TO SPE OF : ART UNIT 2629

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/846,180 Patent No: 7286108 B2

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

With respect to the change(s) requested to correct Office and/or Applicant's errors, should the patent read as shown in the certificate of correction attached herewith or the COCIN document(s), in IFW images for the above-identified patented application? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

If the response is for an IFW, within 7 days, please complete and forward the response, to the employee (named below) via scanning into application images, using document code **COCX**.

If the response is for a paper file wrapper, please complete the response and forward the response with the paper file wrapper, to the employee (named below), within 7 days, to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

VIRGINIA TOLBERT
Certificates of Correction Branch
703-308-9390 ext. 113

Thank You For Your Assistance

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

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

Comments: APPROVED

SPE

2629
Art Unit

PTO/SB/44 (09-07)
Approved for use through 06/31/2010. OMB 0651-0033
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.
(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO.	:	7,288,108
APPLICATION NO.	:	10/846,180
ISSUE DATE	:	October 23, 2007
INVENTOR(S)	:	Kazuhiko Tsuda et al.

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Please add an inventor to the front pages of the patent in paragraph (75)

Inventors: ****Yutaka Kamezaki, deceased (JP)****
****Hitoshi Kamezaki, Legal Representative (JP)**
****Masano Kamezaki, Legal Representative (JP)**

MAILING ADDRESS OF SENDER (Please do not use customer number below):
William J. Daley, Jr.
EDWARDS ANGELL PALMER & DODGE LLP 1
P.O. Box 55874
Boston, Massachusetts 02205

RECEIVED-USPTO
Patent Publication
JUN - 2 2008

PAGE 6/42 * RCVD AT 5/30/2008 12:15:27 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/11 * DNIS:2738300 * CSID: * DURATION (mm-ss):07-08

UNITED STATES PATENT AND TRADEMARK OFFICE

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

KLARQUIST SPARKMAN, LLP
121 S.W. SALMON STREET
SUITE #1600
PORTLAND OR 97204-2988

COPY MAILED

SEP 29 2008

OFFICE OF PETITIONS

In re Application of
Combadiere, et al.
Application No. 10/846,185
Filed: 14 May, 2004
Attorney Docket No. 4239-64823-02

DECISION

This is a decision on the petitions, filed 17 December, 2007, 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, and alternatively, to revive an application under 37 C.F.R. §1.137(b) as having been abandoned due to unintentional delay.

The petition under 37 C.F.R. §1.181 is **DISMISSED**, and the petition under 37 C.F.R. §1.137(b) is **GRANTED**, and the petition fee is charged to Deposit Account 15-0030 as authorized.

As to the Request to Withdraw
the Holding of Abandonment

Petitioner's attention always is drawn to the guidance in the Commentary at MPEP §711.03(c).

A proper showing (for relief under 37 C.F.R. §1.181):

- (as to non-receipt) requires at the very minimum: a statement from practitioner stating that the Office action was not received by the practitioner; a statement from the practitioner attesting to the fact that a search of the file jacket and docket records for the application indicates that the Office action was not received with a copy of those docket records; and a brief statement of the calendaring process and a copy of the due-date (calendar) docket record(s) where the nonreceived Office action would have been scheduled for reply had it been received must be attached to and referenced in the practitioner's statement; alternatively,

- (for a showing of timely and proper reply) requires a statement from practitioner stating that the reply was timely submitted by the practitioner; and copies of all papers submitted as and/or in support of that reply, with/and a copy of the date-stamped receipt card, Office FAX receipt acknowledgement (not simply Petitioner's FAX transmittal), or EFS receipt acknowledgment from the Office, along with practitioner's attestation as to the correctness/completeness of his/her records.

The showing(s) must include that of the person(s) with first-hand knowledge and an acknowledgment by the Petitioner that he/she has reviewed that information in compliance with his/her duty of candor to the Office. Petitioner has failed to make the showings of search and non-discovery with the documentary presentations discussed herein (and set forth in the footnote, *infra*, and the showings as to docketing and calendaring, again with documentary support—all in support of the averment of nonreceipt. (*See*: MPEP §711.03(c).)[1]

---

[1] The Commentary at MPEP §711.03(c) provides in pertinent part:

*****

I. PETITION TO WITHDRAW HOLDING OF ABANDONMENT

A petition to revive an abandoned application (discussed below) should not be confused with a petition from an examiner's holding of abandonment. Where an applicant contends that the application is not in fact abandoned (e.g., there is disagreement as to the sufficiency of the reply, or as to controlling dates), a petition under 37 C.F.R. 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action, and such petition does not require a fee. Where there is no dispute as to whether an application is abandoned (e.g., the applicant's contentions merely involve the cause of abandonment), a petition under 37 C.F.R. 1.137 (accompanied by the appropriate petition fee) is necessary to revive the abandoned application.

Two additional procedures are available for reviving an application that has become abandoned due to a failure to reply to an Office Action: (1) a petition under 37 C.F.R. 1.137(a) based on unavoidable delay; and (2) a petition under 37 C.F.R. 1.137(b) based on unintentional delay.

A. Petition To Withdraw Holding of Abandonment Based on Failure To Receive Office Action

In *Delgar v. Schulyer*, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of *Delgar*, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of *Delgar* is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133).

To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner **>describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.<

The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions).

Petitioner presents no averment in support of the petition under 37 C.F.R. §1.181, save that he thought he did not have to respond.

The Examiner mailed an *ex parte Quayle* action, and requested therein that Petitioner suggest an interference.

Thus, while Petitioner was permitted to chose to suggest or not, Petitioner had to chose—and , thus, had to respond.

Evidence of nonreceipt of an Office communication or action (e.g., Notice of Abandonment or an advisory action) other than that action to which reply was required to avoid abandonment would not warrant withdrawal of the holding of abandonment. Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment. See *Lorenz v. Finkl*, 333 F.2d 885, 889-90, 142 USPQ 26, 29-30 (CCPA 1964); *Krahn v. Commissioner*, 15 USPQ2d 1823, 1824 (E.D. Va 1990); *In re Application of Fischer*, 6 USPQ2d 1573, 1574 (Comm'r Pat. 1988).

B. Petition To Withdraw Holding of Abandonment Based on Evidence That a Reply Was Timely Mailed or Filed

37 C.F.R. 1.10(c) through 1.10(e) and 1.10(g) set forth procedures for petitioning the Director of the USPTO to accord a filing date to correspondence as of the date of deposit of the correspondence as "Express Mail." A petition to withdraw the holding of abandonment relying upon a timely reply placed in "Express Mail" must include an appropriate petition under 37 C.F.R. 1.10(c), (d), (e), or (g) (see MPEP § 513). When a paper is shown to have been mailed to the Office using the "Express Mail" procedures, the paper must be entered in PALM with the "Express Mail" date.

Similarly, applicants may establish that a reply was filed with a postcard receipt that properly identifies the reply and provides *prima facie* evidence that the reply was timely filed. See MPEP § 503. For example, if the application has been held abandoned for failure to file a reply to a first Office action, and applicant has a postcard receipt showing that an amendment was timely filed in response to the Office action, then the holding of abandonment should be withdrawn upon the filing of a petition to withdraw the holding of abandonment. When the reply is shown to have been timely filed based on a postcard receipt, the reply must be entered into PALM using the date of receipt of the reply as shown on the post card receipt.

Where a certificate of mailing under 37 C.F.R. 1.8, but not a postcard receipt, is relied upon in a petition to withdraw the holding of abandonment, see 37 C.F.R. 1.8(b) and MPEP § 512. As stated in 37 C.F.R. 1.8(b)(3) the statement that attests to the previous timely mailing or transmission of the correspondence must be on a personal knowledge basis, or to the satisfaction of the Director of the USPTO. If the statement attesting to the previous timely mailing is not made by the person who signed the Certificate of Mailing (i.e., there is no personal knowledge basis), then the statement attesting to the previous timely mailing should include evidence that supports the conclusion that the correspondence was actually mailed (e.g., copies of a mailing log establishing that correspondence was mailed for that application). When the correspondence is shown to have been timely filed based on a certificate of mailing, the correspondence is entered into PALM with the actual date of receipt (i.e., the date that the duplicate copy of the papers was filed with the statement under 37 C.F.R. 1.8).

37 C.F.R. 1.8(b) also permits applicant to notify the Office of a previous mailing or transmission of correspondence and submit a statement under 37 C.F.R. 1.8(b)(3) accompanied by a duplicate copy of the correspondence when a reasonable amount of time (e.g., more than one month) has elapsed from the time of mailing or transmitting of the correspondence. Applicant does not have to wait until the application becomes abandoned before notifying the Office of the previous mailing or transmission of the correspondence. Applicant should check the private Patent Application Information Retrieval (PAIR) system for the status of the correspondence before notifying the Office. See MPEP §512.

C. Treatment of Untimely Petition To Withdraw Holding of Abandonment

37 C.F.R. 1.181(f) provides that, *inter alia*, except as otherwise provided, any petition not filed within 2 months from the action complained of may be dismissed as untimely. Therefore, any petition (under 37 C.F.R. 1.181) to withdraw the holding of abandonment not filed within 2 months of the mail date of a notice of abandonment (the action complained of) may be dismissed as untimely. 37 C.F.R. 1.181(f). Rather than dismiss an untimely petition to withdraw the holding of abandonment under 37 C.F.R. 1.181(f), the Office may require a terminal disclaimer as a condition of granting an untimely petition to withdraw the holding of abandonment.

*****

As to the Allegations
of Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee. (However, it does not appear that a terminal disclaimer and fee are due here.)

It appears that Petitioner has satisfied the requirements of the regulation.

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the *ex parte Quayle* action mailed on 26 February, 2007, with reply due under a non-extendable deadline on or before 26 March, 2007.

The application went abandoned by operation of law after midnight 26 March, 2007.

The Office mailed the Notice of Abandonment on 17 October, 2007.

On 17 December, 2007, Petitioner filed the instant petition, asserting that the reply did not have to be filed because he chose not to suggest an interference. Petitioner appears to mis-appreciate his duty of a proper and timely reply. As noted above, the Examiner invited the Petitioner to suggest an interference, however, the Examiner did not suggest, and—contrary to Petitioner's expressed reading of the Manual of Patent Examining Procedure—no Office policy suggests that Petitioner has the choice of whether or not to reply. Once the Examiner mails an Office action, Petitioner is required to reply, and his failure to do so timely and properly results in the abandonment of the application under the statute. (*See*: 35 U.S.C. §133.)

Out of an abundance of caution, Petitioners always are reminded that the filing of a petition under 37 C.F.R. §1.181 does not toll any periods that may be running any action by the Office and a petition seeking relief under the regulation must be filed within two (2) months of the act complained of (see: 37 C.F.R. §1.181(f)), and that those registered to practice and all others who make representations before the Office are reminded to inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[2]

[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).

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).

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.[3],[4]

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.[5] (See, also, the commentary at MPEP §711.03(c)(I)(A) and (B).)

And the regulation requires that relief be sought within two (2) months of the act complained of.

The petition fails to satisfy the above-stated requirements in that Petitioner failed make the showing required.

(*See* MPEP § 711.03(c) under subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," alternative "A Reply Was Timely Filed"; see also: "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993).)

---

[3] See: Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. at 53158-59 (October 10, 1997), 1203 Off. Gaz. Pat. Office at 86-87 (October 21, 1997).

[4] The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition. (Therefore, by example, an unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal Service, but due to catastrophic accident, the delivery is not made.) Delays in responding properly raise the question whether delays are unavoidable. Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) And the Petitioner must be diligent in attending to the matter. Failure to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care. (By contrast, unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.))

[5] See: Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971).

As to the Allegations
of Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee. (However, it does not appear that a terminal disclaimer and fee are due here.)

It appears that Petitioner has satisfied the requirements of the regulation.

CONCLUSION

Accordingly, the petition under 37 C.F.R. §1.181 is **dismissed**, however, the petition under 37 C.F.R. §1.137(b) is **granted**.

The instant application is released to Technology Center/AU 1649 for further processing in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the Technology Center/AU in response to this decision—and it is noted that all inquiries with regard to that change in status should be directed to the Technology Center/AU where that change of status must be effected.

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[6]) and the 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

---

[6] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COPY MAILED

OCT 21 2009

OFFICE OF PETITIONS

CENTURY IP GROUP, INC. [Main]
P.O. BOX 7333
NEWPORT BEACH CA 92658-7333

In re Application of :
Ayelet Barneah :
Application No. 10/846,186 : DECISION ON PETITION
Filed: May 13, 2004 : TO WITHDRAW
Attorney Docket No. 1005-15-01 USP : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 3, 2009.

The request is **NOT APPROVED**.

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

The request cannot be approved because practitioners were not appointed by customer number. In order to withdraw by customer number practitioners must be appointed by customer number.

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

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 undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: IXI MOBILE (R&D), LTD
PO BOX 2543
17 HA 'TIDHAR ST
RA'ANANA, 43665 ISRAEL

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COPY MAILED

OCT 21 2009

OFFICE OF PETITIONS

CENTURY IP GROUP, INC. [Main]
P.O. BOX 7333
NEWPORT BEACH CA 92658-7333

In re Application of
Shahar Bar-Or
Application No. 10/846,187
Filed: May 13, 2004
Attorney Docket No. 1005-14-01 USP

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 3, 2009.

The request is **NOT APPROVED**.

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

The request cannot be approved because practitioners were not appointed by customer number. In order to withdraw by customer number practitioners must be appointed by customer number.

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

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 undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: IXI MOBILE (R&D), LTD
PO BOX 2543
17 HA 'TIDHAR ST
RA'ANANA, 43665 ISRAEL

UNITED STATES PATENT AND TRADEMARK OFFICE

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

David T. Yang, Esq.
Morrison & Foerster, LLP
555 West Fifth Street, Suite 3500
Los Angeles, CA 90013

COPY MAILED

NOV 2 1 2008

OFFICE OF PETITIONS

In re Application of :
Erik Scheelke :
Application No. 10/846,189 : DECISION ON PETITION
Filed: May 14, 2004 : TO WITHDRAW
Attorney Docket No. JANJA-00801 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 19, 2008.

The request is **NOT APPROVED**.

A review of the file record indicates that Hristo I. Vachovsky: (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. 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.

The power of attorney filed on January 20, 2006 was improper. The Power of Attorney did not list attorney(s) with registration numbers and/or customer number in which to appoint power to. It only listed a correspondence address.

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

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Peter A. Emmi
Patterson, Belknap Webb & Tyler, LLP
1133 Avenue of the Americas
New York, NY 10036

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DUKE W. YEE
YEE & ASSOCIATES, P.C.
P.O. BOX 802333
DALLAS TX 75380

COPY MAILED

JUN 02 2008

OFFICE OF PETITIONS

In re Application of
Yuhui Jin et al.
Application No. 10/846,196
Filed: May 14, 2004
Attorney Docket No: YOR920040152US1

ON PETITION

This is a decision on the petition to withdraw the holding of abandonment, filed March 27, 2008, which is treated under 37 CFR 1.181, in accordance with the reasoning of the decision in Delgar Inc. v. Schuyler, 172 USPQ 513.

The petition is **GRANTED**.

This application became abandoned on August 10, 2007, for failure to file a timely response to the non-Final Office Action mailed May 9, 2007, which set a three (3) month statutory period for reply. Accordingly, a Notice of Abandonment was mailed December 5, 2007. Petitioner asserts that the non-Final Office Action was never received.

The file record discloses that the Office Action was mailed to the address of record which is the same address used on all correspondences from the USPTO including the Notice of Abandonment. Petitioner has provided a copy of the docket report, wherein receipt of the Office Action mailed May 9, 2007 would have been filed, had it been received. To show that the Notice mailed May 9, 2007 was not received, petitioner also explains that after searching the file jacket it was concluded that no correspondence was received for this matter from the USPTO.

In that the statement from the petitioner and the exhibit from the docket record for the instant matter show no entry indicating receipt of the non-Final Office Action mailed May 9, 2007, it is apparent that it was not received. The evidence submitted corroborates non-receipt of the Office Action.

In view of the facts set forth in the petition, it is concluded that the Office Action was never received at the address of record. Accordingly, the holding of abandonment is withdrawn and no petition fee is due.

This matter is being referred to Technology Center 2113 for a re-mailing of the non-Final Office Action and for a restarting of the period for response.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COPY MAILED

OCT 21 2009

OFFICE OF PETITIONS

CENTURY IP GROUP, INC. [Main]
P.O. BOX 7333
NEWPORT BEACH CA 92658-7333

In re Application of
Amit Heller
Application No. 10/846,197
Filed: May 13, 2004
Attorney Docket No. 1005-14-01 USP

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 3, 2009.

The request is **NOT APPROVED**.

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

The request cannot be approved because practitioners were not appointed by customer number. In order to withdraw by customer number practitioners must be appointed by customer number.

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

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 undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: IXI MOBILE (R&D), LTD
PO BOX 2543
17 HA 'TIDHAR ST
RA'ANANA, 43665 ISRAEL

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

COPY MAILED

SEP 14 2005

OFFICE OF PETITIONS

In re Application of :
Edward A. Hutchins et al :
Application No. 10/846,201 : DECISION GRANTING PETITION
Filed: May 14, 2004 : UNDER 37 CFR 1.137(b)
Attorney Docket No. NVID-P001251 :

This is a decision on the petition under 37 CFR 1.137(b), filed July 11, 2005, to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the present nonprovisional application is the subject of an application filed in an 18 month publication country on May 14, 2005. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an 18 month publication country.

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

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

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

required reply from the due date of the reply until the filing of a grantable petition was unintentional.

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

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date of December 22, 2005 accompanies this decision on petition.

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

This application is being forwarded to Technology Center Art Unit 2173 for examination in due course.

Frances Hicks
Petitions Examiner
Office of Petitions

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request

UNITED STATES PATENT AND TRADEMARK OFFICE

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

FAY SHARPE LLP
1100 SUPERIOR AVENUE, SEVENTH FLOOR
CLEVELAND OH 44114

COPY MAILED

SEP 10 2007

OFFICE OF PETITIONS

In re Application of :
Skillicorn : DECISION ON PETITION
Application No. 10/846,203 :
Filed: May 14, 2004 :
Docket No.: AUDI 2 00024 :

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed August 15, 2007.

The petition is hereby **GRANTED**.

This application became abandoned June 24, 2007 for failure to timely submit a proper reply to the Notice of Allowance (Notice) mailed March 23, 2007. The Notice set a three month statutory period of time for reply. Notice of Abandonment was mailed July 18, 2007.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by: (1) the required reply to the outstanding Office action or notice, unless previously filed; (2) the petition fee as set forth in 37 C.F.R. § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional; and (4)any terminal disclaimer (and fee set forth in 37 C.F.R. § 1.20(d)) required pursuant to 37 C.F.R. § 1.137(c).

The instant petition has been reviewed and found in compliance with the provisions of 37 C.F.R. § 1.137(b). Accordingly, the failure to timely submit a proper reply to the Notice is accepted as having been unintentionally delayed.

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

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

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Discus Dental, LLC
8550 Higuera Street
Culver City, CA 90232

COPY MAILED

NOV 2 6 2008

In re Application of :
R. Eric Montgomery :
Application No. 10/846,207 : DECISION ON PETITION
Filed: May 14, 2004 :
Attorney Docket No. P1086US01 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 07, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of October 19, 2006. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is January 20, 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 $790, and the submission required by 37 CFR 1.114; (2) the petition fee of $1500; and (3) a proper statement of unintentional delay.

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

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

This application is being referred to Technology Center AU1614for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES 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.

WAGNER, MURABITO & HAO LLP
Third Floor
Two North Market Street
San Jose, CA 95113

COPY MAILED

OCT 0 3 2005

OFFICE OF PETITIONS

In re Application of :
Hutchins et al. :
Application No. 10/846,208 : DECISION ON
Filed: May 14, 2004 : PETITION
Atty Docket No. NVID-P001250 :
:

This is a decision on the PETITION FOR REVIVAL OF THIS APPLICATION UNDER 37 CFR § 1.137(b) filed July 11, 2005, which is properly treated as a petition to revive the instant nonprovisional application under the unintentional provisions of 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of a corresponding PCT application (number pending) filed on May 14, 2005. However, the U.S. Patent and Trademark Office was unintentionally not notified of this filing within 45 days subsequent to the filing of the foreign or international application.

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

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

(1) the reply, which is met by the notification of such filing in a foreign country or under a multinational treaty;

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

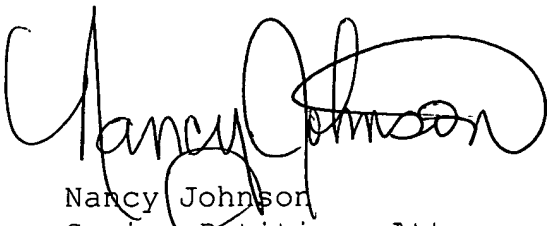
(3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

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

The previous Request and Certification under 35 U.S.C. 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request to show the projected publication date of January 12, 2006 accompanies this decision on petition.

Technology Center AU 2676 has been advised of this decision. The application is, thereby, forwarded to Technology Center 2676 to await applicants' response to the non-final Office action mailed May 3, 2005.

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



Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Communication 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

MARGARET BRUMM
PATENT AND LICENSING DEPARTMENT
NALCO COMPANY
1601 WEST DIEHL ROAD
NAPERVILLE, IL 60563-1198

COPY MAILED

SEP 0 6 2005

OFFICE OF PETITIONS

In re Application of :
Bo L. Tran et al :
Application No. 10/846,218 : ON PETITION
Filed: May 14, 2004 :
Attorney Docket No. 7782

This is a decision on the petition, filed August 30, 2005 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on July 20, 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 1751 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

Irvin Dingle
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

COPY MAILED

NOV 15 2004

OFFICE OF PETITIONS

In re Application of :
Michel Gilbert, et al. :
Application No. 10/846, 219 : NOTICE
Filed: May 14, 2004 :
Attorney Docket No. 019633-000123US

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

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

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

Inquiries related to this communication should be directed to the Office of Petitions Staff at (571) 272-3201.

This file is being forwarded to Technology Center 1623 for examination in due course.

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

DO NOT SCAN! Please forward case and paper to address shown below.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

6/30/06 &

Paper No.: 4/17/06

DATE : 4-26-06

TO SPE OF : ART UNIT 3732

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/846235 Patent No.: 6997929 B2

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

Claim typo: 6/30/06

Drawings: 4/17/06

E. Jones

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: Approval of both requests (4/17/06 and 6/30/06) recommended. /DC/ 25 February 2008

(The typographical errors were publication or printing errors. The drawings were technically accurate, but certain figures had poor print and line quality. No new matter was added.)

EDWARD C. BOEHLER
SUPERVISORY PATENT EXAMINER

SPE

3733

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

COPY MAILED

APR 26 2005

OFFICE OF PETITIONS

SCULLY SCOTT MURPHY & PRESSER, PC
400 GARDEN CITY PLAZA
SUITE 300
GARDEN CITY NY 11530

In re Application of	:	
Shapiro, Odlivak, Pearson, Agarwal, Cohen,	:	DECISION GRANTING STATUS UNDER
Divinsky, Lee, Pollachi, Rogers, Seidman,	:	37 CFR 1.47(A)
Whateley and Cotton	:	
Application No.10/846,245	:	
Filed: May 14, 2004	:	
Attorney Docket No. 17523	:	
Title of Invention: System and Method for	:	
Managing an Endoscopic Lab	:	

This is in response to the petition under 37 CFR 1.47(a) filed December 13, 2004 .

The petition is GRANTED.

Petitioner has shown that non-signing inventor Andrew Odlivak have 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. Sufficient evidence has been presented to establish that non-signing inventor 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
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

Andrew Odlivak
9 Katherine Place
Oakdale, New York 11769

COPY MAILED

APR 2 6 2005

OFFICE OF PETITIONS

In re Application of
Shapiro, Odlivak, Pearson, Agarwal, Cohen, Divinsky, Lee, Pollachi, Rogers, Seidman, Whateley and Cotton
Application No.10/846,245
Filed: May 14, 2004
Attorney Docket No. 17523
Title of Invention: System and Method for Managing an Endoscopic Lab

: LETTER

Dear Mr. Odlivak:

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, the attorney 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

STEVEN FISCHMAN

SCULLY SCOTT MURPHY & PRESSER, PC
400 GARDEN CITY PLAZA
SUITE 300
GARDEN CITY NY 11530

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Robert Listou
725 3rd St. SW
Washington, DC 20024

MAILED

OCT 14 2004

Technology Center 2100

In re Application of: Listou
Application No. 10/846,247
Filed: May 14, 2004
For: COMPUTER GENERATED REPORT COMPRISED OF NAMES, TEXT DESCRIPTIONS, AND SELECTED PARAMETRIC VALUES OF DESIGNATED TEXT DATA OBJECTS LISTED ON DATA TABLES

DECISION ON PETITION TO MAKE SPECIAL UNDER M.P.E.P.§708.02(IV): APPLICANT'S AGE

This is a decision on the petition, filed May 14, 2004 (duplicate copy filed June 7, 2004), under 37 C.F.R. 1.102(c) and M.P.E.P. §708.02(IV): Applicant's Age, to make the above-identified application special.

A grantable petition under 37 C.F.R. 1.102(c), and M.P.E.P. §708.02, Section IV, must include evidence showing that the applicant is 65 years of age or more. Evidence in the form of a birth certificate or applicant's statement is sufficient. There is no fee required for such a petition.

The petition filed May 14, 2004 includes a statement that applicant's age is 80 yrs. (born October 3, 1923), thus the requirements set forth above are met.

The petition is **GRANTED**.

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

10/14/04

Brian L. Johnson
Special Programs Examiner
Technology Center 2100
Computer Architecture, Software, and Information Security
(703) 308-0885

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No.

SCULLY SCOTT MURPHY & PRESSER, PC
400 GARDEN CITY PLAZA
GARDEN CITY, NY 11530

COPY MAILED

JAN 18 2005

OFFICE OF PETITIONS

In re Application of
Andrew Odlivak, Philip Pearson,
Marc Shapiro, Deepak Agarwal,
Aaron Divinsky and Peter Cotton
Application No. 10/846,253
Filed: May 14, 2004
Attorney Docket No. 17284
Title: SYSTEM AND METHOD FOR AUTOMATIC PROCESSING OF ENDOSCOPIC IMAGES

DECISION ACCORDING STATUS UNDER 37 C.F.R. § 1.47(a)

This is a decision on the "PETITION UNDER 37 CFR § 1.47(a)," filed December 16, 2004.

The petition is **GRANTED**.

The above-identified application was filed on May 14, 2004, with an unexecuted declaration. Accordingly, on July 16, 2004, applicants were mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted (Notice)," requiring an executed oath or declaration, and the surcharge for its late filing. (In addition, the Notice required replacement drawings). 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 Pearson, Shapiro, Agarwal, Divinsky and Cotton on behalf of themselves and on behalf of non-signing inventor Odlivak; authorization to charge their Deposit Account any required fees (the surcharge under § 1.16(e)); and the instant petition and fee under § 1.47(a)(and a replacement drawing). This response was made timely by an accompanying petition for extension of time within the third month (and fee). Applicants assert that status under § 1.47(a) is proper because inventor Odlivak refuses to join in the application. In support thereof, applicants submit the declaration of attorney Steven Fischman.

The petition includes payment of the petition fee, and a statement of the last known address of inventor Odlivak. Furthermore, the declaration of attorney Fischman attests to

presenting the application papers to inventor Odlivak and inventor Odlivak having orally refused to sign.

The petition and declarations filed December 16, 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 2621 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

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

Paper No.

SCULLY SCOTT MURPHY & PRESSER, PC
400 GARDEN CITY PLAZA
GARDEN CITY, NY 11530

COPY MAILED

MAR 15 2005

OFFICE OF PETITIONS

In re Application of :
Marc Shapiro, Andrew Odlivak, :
Philip Pearson, Deepak Agarwal, : DECISION ACCORDING STATUS
Michael Cohen, Aaron Divinsky and : UNDER 37 C.F.R. § 1.47(a)
Peter Cotton :
Application No. 10/846,254 :
Filed: May 14, 2004 :
Attorney Docket No. 17283 :
Title: DATA ENTRY SYSTEM FOR AN :
ENDOSCOPIC EXAMINATION :

This is a decision on the "PETITION UNDER 37 CFR § 1.47(a)," filed December 13, 2004.

The petition is **GRANTED**.

The above-identified application was filed on May 14, 2004, with an unexecuted declaration. Accordingly, on July 15, 2004, applicants were mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted (Notice)," requiring an executed oath or declaration, and the 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 four declarations executed, in combination, by joint inventors Pearson, Shapiro, Agarwal, Cohen, Divinsky and Cotton on behalf of themselves and on behalf of non-signing inventor Odlivak; authorization to charge their Deposit Account any required fees (the surcharge under § 1.16(e)); and the instant petition and fee under § 1.47(a)). This response was made timely by an accompanying petition for extension of time within the third month (and fee). Applicants assert that status under § 1.47(a) is proper because inventor Odlivak refuses to join in the application. In support thereof, applicants submit the declaration of attorney Steven Fischman.

The petition includes payment of the petition fee, and a statement of the last known address of inventor Odlivak. Furthermore, the declaration of attorney Fischman attests to presenting the application papers to inventor Odlivak and inventor Odlivak having orally refused to sign.

The petition and declarations filed December 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 3762 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

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

ANDREW ODLIVAK
9 KATHERINE PLACE
OAKDALE, NY 11769

COPY MAILED

MAR 15 2005

OFFICE OF PETITIONS

In re Application of
Marc Shapiro, Andrew Odlivak,
Philip Pearson, Deepak Agarwal,
Michael Cohen, Aaron Divinsky and
Peter Cotton
Application No. 10/846,254
Filed: May 14, 2004
Attorney Docket No. 17283
Title: DATA ENTRY SYSTEM FOR AN ENDOSCOPIC EXAMINATION

: LETTER

Dear Mr. Odlivak:

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 (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

SCULLY SCOTT MURPHY & PRESSER, PC
400 GARDEN CITY PLAZA
GARDEN CITY, NY 11530

UNITED STATES PATENT AND TRADEMARK OFFICE

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

SCULLY SCOTT MURPHY & PRESSER, PC
400 GARDEN CITY PLAZA
SUITE 300
GARDEN CITY, NY 11530

COPY MAILED

MAR 2 4 2005

OFFICE OF PETITIONS

In re Application of
Pearson, Odlivak, Agarwal, Divinsky, and Cotton
Application No.: 10/846,255
Filed: May 14, 2004
Attorney Docket No: 17282
For: SYSTEM AND METHOD FOR GENERATING A REPORT USING A KNOWLEDGE BASE

: DECISION ACCORDING
: RULE 47(a) STATUS

This is in response to the petition under 37 CFR 1.47(a), filed January 18, 2005(certificate of mailing dated January 14, 2005.)

The petition is **GRANTED**.

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

The above-cited application was filed on May 14, 2004, without a properly executed declaration. On July 15, 2004, the Office of Initial Patent Examination mailed a Notice to File Missing Parts of Nonprovisional Application requiring an executed declaration and a surcharge for the late filing of oath or declaration. The instant petition was filed on January 18, 2005, with a request for an extension of time within the fourth month.

Petitioner has shown that inventor Odlivak has expressly refused to join the prosecution 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 addresses given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

Deposit account 19-1013 will be charged an additional $70.00 for the instant petition fee.

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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	§	BEFORE THE EXAMINER:
Datta et al.	§	Nathan M. Nutter
Serial No.: 10/846,256	§	Group Art Unit No.: 1711
Filed: May 14, 2004	§	Attorney Docket No.: 1998B037A/4
For: Elastic Blends Comprising	§	Confirmation No.: 2263
Crystalline Polymer and	§	
Crystallizable Polymers of Propylene	§	
Customer No.: 23455	§	February 14, 2005

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

RECEIVED
CENTRAL FAX CENTER
FEB 14 2005

PETITION TO MAKE SPECIAL

Sir:

Pursuant to 37 CFR § 1.102(c) and MPEP § 708.02 IV. (APPLICANT'S AGE), Applicant, Charles Cozewith, hereby petitions the Commissioner, through his attorney, that this application be made special and that the prosecution thereof be expedited as much as possible. As a basis for granting the above petition, it is submitted that Applicant is 65 years of age or more. Attached herewith is a copy of Applicant's birth certificate.

Respectfully submitted,

February 14, 2005
Date

Leandro Arechederra III
Attorney for Applicants
Registration No. 52,457

ExxonMobil Chemical Co.
Law Technology
P.O. Box 2149
Baytown, Texas 77522-2149
Phone: 281-834-2173
Fax: 281-834-2495

PETITION GRANTED

Richard Crispino
Special Program Examiner
TC 1700

MAR - 3 2005

PAGE 4/5 * RCVD AT 2/14/2005 4:45:47 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-1/4 * DNIS:8729306 * CSID:281 834 1231 * DURATION (mm-ss):02-12

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/846,262	05/14/2004	3762	1040	2905(203-3639)	5	23	4

CONFIRMATION NO. 9735

UPDATED FILING RECEIPT

OC000000013864856

Mark Farber, 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)

Chelsea Shields, Boulder, CO;
Edward C. Meagher, Greenlawn, NY;

Power of Attorney: None

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/470,632 05/15/2003

Foreign Applications

If Required, Foreign Filing License Granted: 07/15/2004

The number of your priority application, to be used for filing abroad under the Paris Convention is,
US10/846,262

Projected Publication Date: 12/30/2004

Non-Publication Request: No

Early Publication Request: No

Title

Tissue sealer with non-conductive variable stop members and method of sealing tissue

Preliminary Class

607

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

GRANTED

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

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

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

NOT GRANTED

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

CHARLES E. BAXLEY, Esquire
Suite 309
90 John Street
New York, NY 10038

COPY MAILED
OCT 1 0 2006
OFFICE OF PETITIONS

In re Application of :
Lin Yi-Ting :
Application No. 10/846,284 : ON PETITION
Filed: May 17, 2004 :
Attorney Docket No. 16432 B :

This is a decision on the petition under 37 CFR 1.137(b), filed on May 18, 2006, to revive the above-identified application.

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement mailed July 19, 2005. A Notice of Abandonment was mailed on February 6, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Election; (2) the petition fee of $750; and (3) an adequate statement of unintentional delay. Therefore, the petition is **GRANTED**.

The application file is being referred to Technology Center Art Unit 3723, for further processing.

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

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

JUL 20 2004

Director's Office
Group 3700

Donald J. Ersler
725 Garvens Avenue
Brookfield, Wisconsin 53005

In re application of
William A. Scott

Serial Number: 10/846296
Filed: May 14, 2004

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

For: **FUEL TANK VENTING SYSTEM**

This is a decision on the petition filed on May 28, 2004, 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: 7/19/04

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MERCHANT & GOULD P.C.
P.O. BOX 2903
MINNEAPOLIS MN 55402-0903

COPY MAILED

APR 0 6 2007

OFFICE OF PETITIONS

In re Application of
COEN, Gunther et al.
Application No. 10/846,298
Filed: May 14, 2004
Attorney Docket No. **11450.58USC2**

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 January 22, 2007.

The request is **APPROVED**.

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

The request was signed by Sarah M. Monfeldt. The correspondence address of record remains unchanged.

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

Monica A. Graves
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

LEE & HAYES PLLC
421 W RIVERSIDE AVENUE SUITE 500
SPOKANE WA 99201

COPY MAILED

AUG 0 6 2008

In re Application of	:	
Stephen Marschner, et al.	:	
Application No. 10/846,308	:	DECISION GRANTING PETITION
Filed: May 14, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. MS1-0529USC3	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed August 1, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on June 4, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 2624 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Terri Williams
Petitions Examiner
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ROCKWELL AUTOMATION, INC.
PATENT DEPT/704P FLOOR 8 T-29
1201 SOUTH SECOND STREET
MILWAUKEE, WI 53204

COPY MAILED

JAN 29 2007

OFFICE OF PETITIONS

In re Application of
MATUO, et al.
Application No. 10/846,315
Filed: May 14, 2004
Attorney Docket No. 03AB212

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 8, 2006, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before May 8, 2006, as required by the Notice of Allowance and Fee(s) Due, mailed February 8, 2006. Accordingly, the date of abandonment of this application is May 9, 2006 .

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 $1400 and the publication fee of $300, (2) the petition fee of $1500; 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 Monica A. Graves at (571) 272-7253.

This application is being referred to Publishing Division for processing into a patent.

David Bucci
Petitions Examiner
Office of Petitions

cc: **MICHAEL A. JASKOISKI**
QUARLES & BRADY LLP
411 E. WISCONSIN AVENUE
MILWAUKEE, WI 53204

UNITED STATES PATENT AND TRADEMARK OFFICE

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

IBM CORPORATION
INTELLECTUAL PROPERTY LAW
11501 BURNET ROAD
AUSTIN, TX 78758

Mail Date: 04/20/2010

Applicant	: Terue Watanabe	: DECISION ON REQUEST FOR
Patent Number	: 7631141	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/846,318	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/14/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1003** 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

PITTS AND BRITTIAN P C
P O BOX 51295
KNOXVILLE, TN 37950-1295

COPY MAILED

AUG 0 8 2007

OFFICE OF PETITIONS

In re Application of
Kurt J. Steinbacker
Application No. 10/846,324
Filed: May 14, 2004
Attorney Docket No. 29163.00

ON PETITION

This is a decision on the petition, filed March 1, 2007, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The above-identified application became abandoned for failure to respond in a timely manner to the Notice of Allowability mailed September 25, 2006. A Notice of Abandonment was mailed on January 23, 2007. In response, on March 1, 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 $750 and (3) an adequate statement of unintentional delay.

Accordingly, the petition is **GRANTED**.

The application is being referred to the Office of Publications to oversee the review of the drawing filed March 1, 2007.

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
www.uspto.gov

COPY MAILED

DEC 07 2009

OFFICE OF PETITIONS

Paper No.

WITHERS & KEYS, LLC
P. O. BOX 71355
MARIETTA GA 30007-1355

In re Application of	:	
Heruth et al.	:	
Application No. 10/846,329	:	DECISION ON PETITION
Filed: May 14, 2004	:	PURSUANT TO
Attorney Docket No.:	:	37 C.F.R. § 1.137(B)
P0020199.00	:	
Title: FIELD STEERABLE	:	
ELECTRICAL STIMULATION	:	
PADDLE, LEAD SYSTEM, AND	:	
MEDICAL DEVICE INCORPORATING	:	
THE SAME	:	

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed August 31, 2009, to revive the above-identified application.

This petition pursuant to 37 C.F.R. § 1.137(b) is **GRANTED**.

The concurrently submitted Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address has been entered and made of record.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed December 24, 2008, which set a shortened statutory period for reply of three 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 25, 2009. A notice of abandonment was mailed on July 8, 2009.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed;
(2) The petition fee as set forth in 37 C.F.R. § 1.17(m);
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
(4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

With this petition, Petitioner has submitted the petition fee, an amendment, and the proper statement of unintentional delay. A terminal disclaimer is not required. As such, the first three requirements of Rule 1.137(b) have been met. The fourth requirement of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.[1]

The Technology Center will be notified of this decision, and jurisdiction over this application is transferred to the Technology Center, so that the application may receive further processing. The Technology Center's support staff will notify the Examiner of this decision, so that the amendment that was received on August 31, 2009 can be processed in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the revival has been acknowledged by the Technology Center in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to the Technology Center where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.[2] All other inquiries

1 See Rule 1.137(d).
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

concerning examination procedures or status of the application should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

---

that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).

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
10/846,329	05/14/2004	Kenneth T. Heruth	009.6005 (P-20199.01US)

CONFIRMATION NO. 1368

44306
WITHERS & KEYS, LLC
P. O. BOX 71355
MARIETTA, GA 30007-1355

POA ACCEPTANCE LETTER

OC000000039115695

Date Mailed: 12/07/2009

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/09/2009.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/pashanoski/

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

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
10/846,329	05/14/2004	Kenneth T. Heruth	009.6005 (P-20199.01US)

CONFIRMATION NO. 1368

29906
INGRASSIA FISHER & LORENZ, P.C.
7010 E. COCHISE ROAD
SCOTTSDALE, AZ 85253

POWER OF ATTORNEY NOTICE

OC000000039115694

Date Mailed: 12/07/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/09/2009.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/pashanoski/

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

DAVID T. YANG, ESQ.
MORRISON & FOERSTER, LLP
555 WEST FIFTH STREET, SUITE 3500
LOS ANGELES, CA 90013

COPY MAILED
DEC 22 2008

In re Application of

SCHEELEKE, Erik
Application No. 10/846,332
Filed: May 14, 2004
Attorney Docket No. **JANJA-00701**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 19, 2008.

The request is **APPROVED**.

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

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

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

There is an outstanding non-final Office action mailed September 8, 2008 that requires a reply from the applicant.

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

/Monica A. Graves/
Petitions Examiner
Office of Petitions

cc: **ERIK SCHEELEKE**
1010 KENMORE COURT
CUPERTINO, CA 95014

cc: **PETER A. EMMI, ESQ.**
PATTERSON BELKNAP WEBB & TYLER, LLP
1133 AVENUE OF THE AMERICAS
NEW YORK, NY 10036

UNITED STATES 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

MAR 19 2010

OFFICE OF PETITIONS

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

In re Application of :
Peter S. WOHRLE et al. :
Application No. 10/846,351 : DECISION ON PETITION
Filed: May 14, 2004 :
Attorney Docket No. NOBELB.171A :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 22, 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 December 2, 2009, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed September 2, 2009. Accordingly, the date of abandonment of this application is December 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 $1510, the publication fee of $300, and corrected formal drawings , (2) the petition fee of $1620; and (3) a proper statement of unintentional delay.

The terminal disclaimer filed on December 22, 2009 is disapproved because it is unnecessary. Because the terminal disclaimer filed on December 22, 2009 was unnecessary, the submitted statutory disclaimer fee of $140 is being refunded to Deposit Account 111410.

Telephone inquiries concerning this decision should be directed to Olisa Anwah at (571) 272-6051 or in his absence, the undersigned at (571) 272-7099.

This application is being referred to the Office of Data Management for processing into a patent.

David A. Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COPY MAILED

MAY 17 2007

OFFICE OF PETITIONS

STEPHEN E. FELDMAN PC
12 EAST 41ST STREET
NEW YORK, NY 10017

In re Application of :
Israel Oster :
Application No. 10/846,370 : ON PETITION
Filed: May 13, 2004 :
Attorney Docket No. :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 27, 2006, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of April 11, 2006. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is July 12, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $385, and the submission required by 37 CFR 1.114; (2) the petition fee of $750; and (3) a proper statement of unintentional delay.

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

This application is being referred to Technology Center AU 3677 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

Irvin Dingle
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

Stephen E. Feldman, P.C.
12 East 41st Street
New York, NY 10017

COPY MAILED

NOV 26 2008

OFFICE OF PETITIONS

In re Application of :
Israel Oster :
Application No. 10/846,370 : ON PETITION
Filed: May 13, 2004 :
Attorney Docket No. N/A :

This is a decision on the petition under 37 CFR 1.137(b), filed on September 29, 2008, to revive the above-identified application.

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

The above application became abandoned for failure to file a proper reply to the final Office action mailed March 17, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) under 37 CFR 1.114, with the $405 filing fee and an amendment; (2) the petition fee of $770 and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

This application is being revived for consideration of the RCE filed on September 29, 2008.

The application file is being referred to Technology Center Art Unit 3677 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

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

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

AUG - 9 2006

FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK NY 10151

In re Application of
Kudo et al.
Serial No.: 10/846,374
Filed: May 13, 2004
Attorney Docket No.: 671304-2000

Decision on Petition

This letter is in response to the Petition under 37 C.F.R. 1.181, filed on July 21, 2006, to request the supervisory authority of the Commissioner in a matter involving an *ex parte* restriction requirement.

BACKGROUND

A review of the file history shows that the application was filed under 35 USC 111 on May 13, 2004 with 44 claims.

A requirement for restriction was mailed to applicants on August 25, 2005. In this Office action, the examiner restricted the 44 claims into groups I – CMX (i.e. 1-930). Additionally, the examiner required applicants to elect a single species as set forth in the Office action of August 25, 2005.

On September 23, 2005, applicants elected, with traverse, the claims drawn to Group CXXVII, species wherein X = Q.

On October 26, 2005, the examiner acknowledged the election of Group CXXVII, claims 10, 12 and 43 to the extent that they read on the polypeptide SCCQPSCCQP or a portion thereof; further considered the traversal and found applicants arguments non-persuasive and made the restriction requirement FINAL. A first Office action on the

merits was also mailed as a part of this same communication, in which claims 10, 12, and 43 were rejected under 35 USC 112, first paragraph and under 35 USC 102(b).

On February 10, 2006, applicants filed a response canceling claims 1-44 and adding new claims 45-63 which they argued paralleled the elected claims.

On March 22, 2006, a Final rejection was mailed to applicants wherein claims 50-63 were withdrawn from prosecution as being drawn to non-elected inventions as discussed in the previous Office action. The examiner indicated claims 45-49 would be examined to the extent that they read on elected invention SCCQPSCCQP. Claim 46 was also objected as being dependent upon a base claim but would be allowable if rewritten in independent form. The further examiner indicated claim 45 would be allowable if rewritten to be limited to only the elected peptide sequence. Claims 47-49 were again rejected under 35 USC 102 (b).

Applicants responded to the Final rejection of March 22, 2006 with the instant petition and accompanying arguments and amendments on July 21, 2006.

DISCUSSION

The application, file history and petition filed on July 21, 2006 under 37 C.F.R. 1.181, to request review of the restriction requirement has been considered.

Applicants traversed the above requirement by arguing the scope of examination for claim 45 should be expanded to the full scope of the claim. Specifically, they argued that MPEP 808.01 (a) states in part "[a] requirement for restriction is permissible if there is a patentable difference between the species as claimed **AND** there would be a serious burden on the examiner if restriction is not required." Applicants further stated that while the examiner has shown there is a patentable difference between the species, the examiner has not shown that there is a serious burden to search the full scope of peptides of claim 45. The variable X can only be Q, V, R or I. Therefore, the peptide sequence SCCXPSCCXP can only have 16 possible permutations. Also, applicants pointed out that the examiner's search of the examined peptide sequence yielded only a few hits and that there is no evidence that the other 15 peptide sequences constitute an undue search burden. As a result, applicants assert that the requirement for establishing an election of species requirement for claim 45 has not been established and that this election of species requirement should be withdrawn and the full scope of claim 45 examined.

Applicants' argument has been carefully considered and found to be persuasive. Accordingly, the full scope of claims 45-46 can be examined together.

DECISION

For these reasons, the petition under 37 C.F.R. 1.181 requesting that the full scope of claims 45-46 be examined together is **GRANTED.**

The application will be forwarded to the examiner to take appropriate action as a result of this petition decision and to consider the amendments and arguments filed by applicants on July 21, 2006.

Should there be any questions regarding this decision, please contact Special Program Examiner Marianne Seidel, by mail addressed to Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at (571) 272-1600 or by Official Fax at 703-872-9306.

Bruce Kisliuk
Director, Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

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

IANDIORIO & TESKA
260 BEAR HILL ROAD
WALTHAM MA 02451-1018

COPY MAILED

JUL 06 2007

OFFICE OF PETITIONS

In re Application of :
David G. Powell :
Application No. 10/846,376 : DECISION ON PETITION
Filed: May 13, 2004 :
Attorney Docket No. POWELL-102J :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 7, 2006, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement, mailed February 8, 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 application became abandoned on March 11, 2005.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an election, (2) the petition fee of $750.00; and (3) an adequate statement of unintentional delay.

In regard to the extension of time fee, an extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See* In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $1,080.00 extension of time fee submitted with the petition on December 11, 2006 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be refunded by Treasury Check.

Telephone inquiries concerning this decision should be directed to Christopher Bottorff at (571) 272-6052 or in his absence, the undersigned at (571) 272-7099.

This application is being referred to Technology Center AU 3723 for appropriate action by the Examiner in the normal course of business on the reply received December 7, 2006.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

TIMOTHY J. SHEA II
SUITE 322
396 WASHINGTON STREET
WELLESLEY MA 02481

COPY MAILED

JUL 0 2 2007

OFFICE OF PETITIONS

In re Application of :
Powell et al. :
Application No. 10/846,377 : DECISION ON PETITION
Filed: May 13, 2004 :
Attorney Docket No. PWLP02/0208 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 11, 2006, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement, mailed March 14, 2006, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on April 15, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an election, (2) the petition fee of $750.00; and (3) an adequate statement of unintentional delay.

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

date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

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.

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 $1,080.00 extension of time fee submitted with the petition on December 11, 2006 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account 09-0002.

Telephone inquiries concerning this decision should be directed to Christopher Bottorff at (571)272-6052 or in his absence, the undersigned at (571) 272-7099.

This application is being referred to Technology Center AU 3723 for appropriate action by the Examiner in the normal course of business on the reply received December 11, 2006.

David Bucci
Petitions Examiner
Office of Petitions

cc: ROY J. COLEMAN
IANDIORIO & TESKA
260 BEAR HILL ROAD
WALTHAM MA 02451-1018

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

COPY MAILED

NOV 16 2006

OFFICE OF PETITIONS

In re Application of :
Harry Prince, et al. :
Application No. 10/846,380 : DECISION ON PETITION
Filed: May 13, 2004 : TO WITHDRAW
Attorney Docket No. 524902000220 : 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 15, 2006.

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 October 30, 2006. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

April M. Wise
Petitions Examiner
Office of Petitions

cc: BARRY WILSON, ESQ.
FOLEY & LARDNER, LLP
11250 EL CAMINO REAL
SUITE 200
SAN DIEGO, CA 92130

UNITED STATES PATENT AND TRADEMARK OFFICE

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

KOPPEL JACOBS PATRICK & HEYBL
555 ST. CHARLES DRIVE, SUITE 107
THOUSAND OAKS, CA 91360

COPY MAILED

JUL 13 2005

OFFICE OF PETITIONS

In re Application of :
Lauren Lackey et al :
Application No. 10/846,394 : ON PETITION
Filed: May 13, 2004 :
Attorney Docket No. 017-27-003 :

This is in decision on the petition, filed December 17, 2004, which is being treated as a petition under 37 CFR 1.47(a).

The petition is **dismissed.**

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

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

As to item (1), rule 47 applicant must demonstrate with documented evidence that the inventor, Lauren Lackey, refuses to join in the application after having been presented with the application papers (specification, claims and drawings). However, it is not merely enough that Mr. Lackey's signature on the declaration was requested. Petitioner must demonstrate that Mr. Lackey was presented with a copy of the application papers (specification, claims and drawings). The fact that an application may contain proprietary information does not relieve the 37 CFR 1.47 applicant of the responsibility to present the application papers to the inventor if the inventor is willing to receive the papers. Before a refusal can be alleged, it must be demonstrated that a bona fide attempt was make to present a copy of the application papers to the non-signing inventor for signature. Unless petitioner can show that a copy of the application papers was presented to the non-signing inventor or that the non-signing inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, then petitioner will have to mail a copy of the complete application papers (specification, claims and drawings) to the non-signing inventor's last known address, return receipt requested. A cover letter of instructions should accompany the mailing of the application papers setting a deadline or a statement that no response will constitute a refusal. This sort of ultimatum lends support to a finding of refusal by conduct. **The proof of the pertinent events should be made by a statement of someone with firsthand knowledge of the events and should include documentary evidence, such as certified mail return receipt, cover letter of instructions, telegram, etc.** See MPEP 409.03(d).

The statements of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. If the inventor orally refuses to join in the application, that fact along with the time and place of the refusal must be stated in the affidavit or declaration. If, on the other hand, petitioner receives an express written refusal, a copy of the document evidencing that refusal must be made part of the affidavit or declaration.

When it is concluded by the rule 47 petitioner that the omitted inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in an affidavit or declaration. If there is documentary evidence to support facts alleged in the affidavit or declaration, such evidence must be submitted.

Whenever the omitted inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the affidavit or declaration.

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

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

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

Frances Hicks

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

KOPPEL PATRICK & HEYBL
555 ST. CHARLES DRIVE
SUITE 107
THOUSAND OAKS, CA 91360

COPY MAILED

OCT 31 2006

OFFICE OF PETITIONS

In re Application of :
Lauren Lackey et al :
Application No. 10/846,394 : ON PETITION
Filed: May 13, 2004 :
Attorney Docket No. 017-27-003 :

The is a decision on the petition filed September 14, 2005, requesting reconsideration of a decision mailed July 13, 2005, which refused to accord 37 CFR 1.47(a) status to the above-identified application. The request for reconsideration was accompanied by a declaration signed by previously nonsigning inventor Lauren Lackey.

The petition is dismissed.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION**. Any extensions of time will be governed by 37 CFR 1.136(a).

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

On September 14, 2005, the Office received a declaration signed by previously nonsigning inventor Lauren Lackey, but which fails to set forth the name of the second named inventor. The declaration of record lacks compliance with § 1.63(b)(2), for as of yet, no inventor has executed a declaration naming all inventors. See MPEP 602.

Since the declaration executed by inventor Lauren Lackey does not name the other joint inventor, the declaration is considered to be defective. In view thereof, inventor Lauren Lackey has not joined in the filing of the instant application. Accordingly, a substitute declaration executed by joint inventors Lauren Lackey and Stanley Lackey setting forth the name, address

and citizenship of the joint inventors is required to be submitted within the time period specified above to avoid the abandonment of this application.

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

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

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

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

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

Frances Hicks
Lead 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

ABELMAN, FRAYNE & SCHWAB
666 THIRD AVE.,
10TH FLOOR
New York, NY 10017

COPY MAILED

MAR 1 5 2006

OFFICE OF PETITIONS

In re Application of Martiskainen et al. :
Application No. 10/846,401 : Decision on Petition
Filing Date: May 14, 2004 :
Attorney Docket No. 206,540 :

This is a decision on the petition under 37 CFR 1.137(b), filed January 19, 2006, to revive the above-identified application.

The petition is **granted**.

This application became abandoned for failure to timely reply within three months to the final Office action mailed July 13, 2005. An extension of time under the provisions of 37 CFR 1.136(a) was not obtained. Accordingly, this application became abandoned on October 14, 2005.

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 2821 will be informed the application has been revived.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/846,403	05/14/2004	Edita Tejnil	10559-921001/P18264	1978

20985 7590 05/29/2008

FISH & RICHARDSON, PC
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

EXAMINER	
RUGGLES, JOHN S	

ART UNIT	PAPER NUMBER
1795	

MAIL DATE	DELIVERY MODE
05/29/2008	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

dss

Mailed: 5-29-08

In re application of:
Edita Tejnil et al.
Serial No. 10/846,403
Filed: May14, 2004
For: IMAGING AND DEVICES IN LITHOGRAPHY

: DECISION ON :PETITION :

This is a decision on the PETITION UNDER 37 CFR 1.144 FOR WITHDRAWAL OF THE RESTRICTION REQUIREMENT filed February 19, 2008.

On January 22, 2007 , an action was mailed containing a restriction requirement to both a single invention and an election of species. Applicant responded on January 29, 2007 with an election to a single invention but failed to elect a distinct species. On March22,2007 a second action was ailed requiring an election of species. On April 26, 2007 an interview summary indicates that an election of species from the figures was appropriate and the previous species election was withdrawn. On April 16, 2007 applicant responded with an election of species shown in figures 5-6 and noted that portions of Figs 9-11 associated with line 1120 were relevant to this species and identified claims 1-3, 5,7,13,18,34,36-37,41-45 read upon the elected species.
In an Office action mailed June 28, 2007, the examiner set forth that claims 43-45 were withdrawn from consideration as being directed to a non-elected species. On November 28, 2007 response, applicant pointed out that claims 43-45 read upon the elected species and the withdrawal was improper. The examiner repeated the requirement in an office action mailed on January 29, 2008 and made the requirement final.

DECISION

Applicant argues that claims 43-45 read upon the elected species of Figs 5-6
Applicant states that claim 43, which does not require the use of any particular class of material. Instead, claim 43 relates to a lithography mask that includes a collection of a number of attenuating regions to attenuate zero diffraction order radiation traveling through the mask to different amounts. Thus, there is nothing in claim 43 that excludes scattering as a candidate for attenuating zero diffraction order radiation. Indeed, this is made clear by the specification. In particular, the specification describes that "[phase

shifting] regions 270, 275,280 may each change the intensity of radiation traveling along the respective of paths 245,250, 255 to a different extent. The magnitude of the attenuation is determined by parameters such as the geometry, the dimensions, and the effective refractive index of regions 270, 275,280." See specification, page 7, line 11-15. Further, in discussing FIGS. 3 and 4, the specification describes that: "[f]irst phase shifting region 270 includes a first etched phase shifter 305. Second phase shifting region 275 includes a second etched phase shifter 310. Bulk mask substrate region 280 does not include an etched phase shifter but is instead an extension of mask substrate 260." See specification, page 7, line 28-32. Moreover, the specification describes that: "FIGS. 5 and 6 show an implementation of a portion of a single phase shifter, such as either of phase shifters 305, 310." See specification, page 8, line 22- 24. Thus, those of ordinary skill, when armed with the specification, would understand that the elected species of FIGS. 5 and 6 is capable of forming "attenuating regions to attenuate zero diffraction order radiation," as recited in claims 43-45.

This is found to be convincing especially in light of the fact that "[a]s described in the specification, FIG. 9 shows a graph of the normalized near field zero diffraction order intensity of transmitted 193-nm radiation for phase shifters based on the chromeless checkerboard pattern 505 of FIGS. 5 and 6. *See specification,* page 9, line 18-21. As shown, the normalized near field zero diffraction order intensity transmitted by a chromeless checkerboard pattern 505 is attenuated to different extents at different 1/2 pitches. *See id.,* FIG. 9, line 1120; page 12, line 17-21.

Given that examiner's reasons for insisting upon the withdrawal of claims 43-45 being that the species of Figs 5-6 does not require any attenuating regions. However a review of the specification relied upon by the examiner clearly shows such statement is in error. There being no clear statement supporting examiner's allegation

"FIGS. 5-8 illustrate implementations of phase shifters that are engineered to cause interference effects that improve the quality of features printed with mask 215. FIGS. 5 and 6 show an implementation of a portion of a single phase shifter, such as either of phase shifters 305, 310. FIG. 5 shows a view s of the phase shifter from below, while FIG. 6 shows the same phase shifter along section 6-6. The illustrated phase shifter includes a checkerboard pattern 505. Checkerboard pattern 505 includes a collection of holes 510 that are etched to depth 315 from the level of surface 262 to define a collection of columnar 0 features 515."

Furthermore examiner's allegation that "this increased scattering illustrated in Figure 9 from-the sub-half-wavelength pitches to about the wavelength of radiation for reducing zero order intensity is not at all the same as using absorbing or attenuating material on the mask to decrease intensity." *See January 29, 2008 Office action,* page 3 (emphasis added) appears not to be supported by the instant specification when taken as a whole as applicant argues, supra. In fact it appears clear that Fig 9 is directly related to the species of Figs 5-6 and supports applicant's arguments that claims 43-45 read upon the elected species. In fact claim 43 recites using "attenuating regions" as opposed to

"attenuating or absorbing material" and the specification makes clear that such regions are able to be accomplished by a chromeless checkerboard pattern of the elected species of Figures 5-6.

Accordingly, the restriction requirement with regards to claims 43-45 is improper and should be withdrawn. The instant petition is **GRANTED.** The examiner is directed to withdraw the requirement and prepare a new office action examining including an examination of claims 43-45 on the merits.

___/JACQUELINE STONE/
Director, Technology Center 1700
Jacqueline M. Stone, Director
Technology Center 1700
Chemical and Materials Engineering

John F. Conroy
FISH & RICHARDSON, PC
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Intellectual Illuminations
Suite V #261
333 S. STATE ST.
LAKE OSWEGO, OR 97034

COPY MAILED
JUN 0 7 2006
OFFICE OF PETITIONS

In re Application of :
Desalve :
Application No. 10/846,412 : ON PETITION
Filed: May 17, 2004 :
Attorney Docket No. AMC 3998 :

This is a decision on the petition 37 CFR 1.181, requesting withdrawal of the holding of abandonment in the above-identified application. The petition was filed on May 3, 2006.

The petition under 37 CFR 1.181 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.

This application was abandoned on August 24, 2005 for failure to timely submit formal drawings within three months of the mailing of the May 23, 2005 Notice of Allowability. A Notice of Abandonment was mailed on April 6, 2006.

Petitioner argues that the application is not abandoned because the final Office action mailed on April 15, 2005 states that the drawings filed on January 24, 2005 were accepted by the examiner and that during a follow up phone call in January 2006 with an unidentified party, the unidentified party indicated the application would be granted as a patent in April 2006.

Petitioner is informed that the January 24, 2005 drawings were accepted by the examiner for content only. The drawings were not accepted by the draftsman for technical compliance with drawing rules. They are two different reviews that are conducted for different purposes. Petitioner was on notice that corrected formal drawings were required. Petitioner did not file

corrected formal drawings within the three month period for reply, as set for the in the May 23, 2005 Notice of Allowability.

Petitioner is reminded that official communication with the Office must be carried out in writing. 37 CFR 1.2. Oral advice from Office employees is not binding. See In re Sivertz, 227 USPQ 255,256 (Comm'r Pat. 1985). The unnamed USPTO employee's alleged statements made during a telephone call, as reported in the petition, cannot nullify the May 23, 2005 Notice of Allowability, which required submission of corrected formal drawings in order to avoid abandonment of the application. The Office never retracted the May 23, 2005 Notice.

Therefore, the application did become abandoned.

Petitioner still has not submitted acceptable drawings. Please review the enclosed Notice of Draftsperson's Patent Drawing Review.

A delay resulting from the lack of knowledge or improper application of the patent statute, rules of practice or the MPEP does not constitute an "unavoidable" delay. See Haines v. Quigg, 673 F. Supp. 314, 317, 5 USPQ2d 1130, 1132 (N.D. Ind. 1987), Vincent v, Mossinghoff, 230 USPQ 621, 624 (D.D.C. 1985); Smith v. Diamond, 209 USPQ 1091 (D.D.C. 1981); Potter v. Dann, 201 USPQ 574 (D.D.C. 1978); Ex parte Murray, 1891 Dec. Comm'r Pat. 130, 131 (1891).

Petitioner is strongly encouraged to file a petition to revive under the unintentional standard of 37 CFR 1.137(b0).

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

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

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

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

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

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

Enclosure: Notice of Draftsperson's Patent Drawing Review of May 3, 2006 drawings

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Intellectual Illuminations
Suite V #261
333 S. STATE ST.
LAKE OSWEGO, OR 97034

COPY MAILED
JUL 26 2006
OFFICE OF PETITIONS

In re Application of :
Desalve :
Application No. 10/846,412 : ON PETITION
Filed: May 17, 2004 :
Attorney Docket No. AMC 3998 :

This is a decision on the petition 37 CFR 1.137(b), filed June 19, 2006, to revive the above-identified application.

This application was abandoned on August 24, 2005 for failure to timely submit formal drawings within three months of the mailing of the May 23, 2005 Notice of Allowability. A Notice of Abandonment was mailed on April 6, 2006.

Applicant has submitted a proper reply in the form of corrected formal drawings, an acceptable statement of the unintentional nature of the delay in responding to the May 23, 2005 Notice of Allowability, and the petition fee.

The petition is **granted**.

This application is being forwarded to Publishing Division for processing into a patent.

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

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

HUGH MCTAVISH
MCTAVISH PATENT FIRM
429 BIRCHWOOD COURTS
BIRCHWOOD, MN 55110

COPY MAILED

MAR 2 2 2007

OFFICE OF PETITIONS

In re Application of :
Ericson, Daniel G. :
Application No. 10/846,439 :
Filed: May 14, 2004 :
Attorney Docket No. 112.001US1 :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R.§ 1.36(b), filed September 11, 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 Hugh McTavish on behalf of all attorneys of record. All attorneys/agents of record have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named inventor; or (2) the assignee of the entire interest who has taken action in the above-identified application. All future communications from the Office will continue to be directed to the first named inventor at the below-listed address until otherwise properly notified by the applicant.

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

Liana Walsh
Petitions Examiner
Office of Petitions

Cc:

DANIEL G. ERICSON
1423 BELL OAKS LANE SW
ROCHESTER, MN 55902

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JJGJR.: 01-05

Paper No: __

COPY MAILED

JAN 27 2005

OFFICE OF PETITIONS

ARTHUR G. SCHAIER
CARMODY & TORRANCE LLP
50 LEAVENWORTH STREET
P.O. BOX 1110
WATERBURY CT 06721-1110

COPY MAILED

CANCELLED JAN 26 2005

OFFICE OF PETITIONS

In re Application of
Garay, et al. :
Application No. 10/846,441 : ON PETITION
Filed: 14 May, 2004 :
Attorney Docket No. AO723A :

This is a decision on the petition under ¶(a) of 37 C.F.R. §1.47, filed on 17 November, 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 14 May, 2004, without, *inter alia*, a fully executed oath or declaration; and

- on 16 July, 2004, the Office mailed a Notice to File Missing Parts requiring that, *inter alia*, a fully signed oath/declaration (with surcharge) or a petition under 37 C.F.R. §1.47 in its stead be filed as the reply;

- Petitioner Arthur Schaier (Reg. No. 37,715) filed on 17 November, 2004, the instant petition under 37 C.F.R. §1.47 setting forth the last known address of the non-signing inventor Dan Simoneau (Mr. Simoneau), however, while also enclosed is an oath/declaration signed by the other co-inventors for themselves and on behalf of the Mr. Simoneau and there are documents which post-date the allegation of transmittal of the entire application (description, claims, drawings), there is no document evidencing that transmittal, and Petitioner does not have first hand knowledge of such events.

ANALYSIS

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

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

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

> **§1.63 Oath or declaration.**
>
> (b) In addition to meeting the requirements of paragraph (a)of this section, the oath or declaration must also:
>
> (1)Identify the application to which it is directed;

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

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

Thus, not only must 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 (a reasonable effort must be made to ascertain a current or last known address)–but also the petition (with fee) must state over the signature and registration number of the Petitioner the last known address (and, if appropriate, evidence of the due diligence effort ascertaining same).

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

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

CONCLUSION

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

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

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

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

---

[1] See: MPEP 409.03(b).

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JJGJR.: 03-05

Paper No: __

ARTHUR G. SCHAIER
CARMODY & TORRANCE LLP
50 LEAVENWORTH STREET
P.O. BOX 1110
WATERBURY CT 06721-1110

COPY MAILED

MAR 1 8 2005

OFFICE OF PETITIONS

In re Application of
Garay, et al. :
Application No. 10/846,441 : ON PETITION
Filed: 14 May, 2004 :
Attorney Docket No. AO723A :

This is a decision on the petition under ¶(a) of 37 C.F.R. §1.47, filed on 25 February, 2005.

The petition is **GRANTED**.

BACKGROUND

The record indicates:

- the application was filed on 14 May, 2004, without, *inter alia*, a fully executed oath or declaration; and

- on 16 July, 2004, the Office mailed a Notice to File Missing Parts requiring that, *inter alia*, a fully signed oath/declaration (with surcharge) or a petition under 37 C.F.R. §1.47 in its stead be filed as the reply;

- the petition filed on 17 November, 2004, was dismissed because, while petition set forth the last known address of the non-signing inventor Dan Simoneau (Mr. Simoneau) and enclosed an oath/declaration signed by the other co-inventors for themselves and on behalf of Mr.

Simoneau, there was no documentation supporting the allegation of transmittal of the entire application (description, claims, drawings) (e.g., a transmittal letter) to Mr. Simoneau;

- Petitioner Arthur Schaier (Reg. No. 37,715) has now cured that deficiency and demonstrated that Mr. Simoneau has failed to submit a signed oath/declaration.

Lastly, Petitioner has submitted a declaration in compliance with 37 C.F.R. §1.63 and §1.64.

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

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

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JJGJR.: 03-05

Paper No: __

DAN SIMONEAU
3087 NW MERCHANT WAY
BEND, OR 97701

COPY MAILED

MAR 18 2005

OFFICE OF PETITIONS

In re Application of
Garay, et al.
Application No. 10/846,441
Filed: 14 May, 2004
Attorney Docket No. AO723A

COMMUNICATION

Dear Dan Simoneau:

You are named as inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. §116 (United States Code), and 37 C.F.R. §1.47,[1] ¶a, Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as inventor.

---

[1] The regulations at 37 C.F.R. §1.47 provide:

§ 1.47 Filing when an inventor refuses to sign or cannot be reached.

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

(b) Whenever all of the inventors refuse to execute an application for patent, or cannot be found or reached after diligent effort, a person to whom an inventor has assigned or agreed in writing to assign the invention, or who otherwise shows sufficient proprietary interest in the matter justifying such action, may make application for patent on behalf of and as agent for all the inventors. The oath or declaration in such an application must be accompanied by a petition including proof of the pertinent facts, a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage, the fee set forth in §1.17(h), and the last known address of all of the inventors. An inventor may subsequently join in the application by filing an oath or declaration complying with §1.63.

© The Office will send notice of the filing of the application to all inventors who have not joined in the application at the address(es) provided in the petition under this section, and publish notice of the filing of the application in the *Official Gazette*. The Office may dispense with this notice provision in a continuation or divisional application, if notice regarding the filing of the prior application was given to the nonsigning inventor(s).

[47 Fed. Reg. 41275, Sept. 17, 1982, effective Oct. 1, 1982; 48 Fed. Reg. 2709, Jan. 20, 1983, effective Feb. 27, 1983; revised, 62 Fed. Reg. 53131, Oct. 10, 1997, effective Dec. 1, 1997; revised, 65 Fed. Reg. 54604, Sept. 8, 2000, effective Nov. 7, 2000]

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

Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733.

Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or toll-free: (800) 972-6382 (outside the Washington D.C. area).

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

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

Counsel of Record:
ARTHUR G. SCHAIER
CARMODY & TORRANCE LLP
50 LEAVENWORTH STREET
P.O. BOX 1110
WATERBURY CT 06721-1110

UNITED STATES 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 A. HACKLER
2372 S.E. BRISTOL, SUITE B
NEWPORT BEACH CA 92660-0755

COPY MAILED

SEP 27 2007

OFFICE OF PETITIONS

In re Patent No. 7,172,559	:	
Issue Date: February 6, 2007	:	
Application No. 10/846,443	:	DECISION ON PETITION
Filed: May 14, 2004	:	
Attorney Docket No. L-1644-CIP	:	

This is a decision on the petition under 37 CFR 1.182, filed April 30, 2007, requesting issuance of a duplicate Letters Patent for the above-identified patent.

The petition is **GRANTED**.

The Publishing Division is directed to issue a duplicate Letters Patent.

As authorized, the $400 fee for the petition under 37 CFR 1.182 has been assessed to petitioner's deposit account.

Additionally, Office records indicates that the letters patent was mailed on February 6, 2007. Therefore, the petition fee of $400 is necessary.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3208. Inquiries regarding the issuance of a duplicate Letters Patent may be directed to Krystal Paige in the Publishing Division at (703) 308-9250, Ext. 139.

A copy of this decision is being faxed to Publishing Division for issuance of a duplicate Letters Patent.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

cc: Krystal Paige, South Tower, 8th Floor, Room C32 (Fax No. (571) 270-9937)

UNITED STATES PATENT AND TRADEMARK OFFICE

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

HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

COPY MAILED

JUN 25 2007

OFFICE OF PETITIONS

In re Application of :
Ismail Ari et al :
Application No. 10/846,455 : ON PETITION
Filed: May 14, 2004 :
Attorney Docket No. 200403353-1 :

This is a decision on the petition under 37 CFR 1.137(b), filed February 8, 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 12, 2006, 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 October 13, 2006.

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

This matter is being referred to Technology Center AU 2188 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.

VIERRA MAGEN MARCUS & DENIRO LLP
575 MARKET STREET SUITE 2500
SAN FRANCISCO CA 94105

COPY MAILED

FEB 19 2008

OFFICE OF PETITIONS

In re Application of :
Karen Colonias :
Application No. 10/846,470
Filed: July 21, 2003 : DECISION ON PETITION
Attorney Docket No. SIMP- : UNDER 37 C.F.R. § 1.181(A)
51001US0 :
Title: CONSTRUCTION CONNECTOR :
ANCHOR CAGE SYSTEM :

This is a decision on the petition under 37 C.F.R. § 1.181(a) to withdraw the holding of abandonment, filed on December 27, 2007.

BACKGROUND

A non-final Office action was mailed on August 25, 2006, and a response was received on February 26, 2007 along with a three-month extension of time. A first notice of non-compliant amendment was mailed on March 5, 2007, which set a one-month period for reply. A second amendment was received on March 29, 2007, and a second notice of non-compliant amendment was mailed on April 5, 2007.

The above-identified application became abandoned for failure to reply in a timely manner to this second notice of non-compliant amendment that set a period for reply of one month. No further responses were received. Accordingly, the above-identified application became abandoned on May 6, 2007. A notice of abandonment was mailed on December 10, 2007.

RELEVANT PORTION OF THE MPEP

MPEP § 711.03(c) states, in part:

> PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON FAILURE TO RECEIVE OFFICE ACTION
>
> In Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of Delgar, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of Delgar is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133).
>
> To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. For example, if a three month period for reply was set in the nonreceived Office action, a copy of the docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. See Notice entitled "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 O.G. 53 (November 16, 1993).
>
> The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions).
>
> Evidence of nonreceipt of an Office communication or action (e.g., Notice of Abandonment or an advisory action) other than that action to which reply was required to avoid abandonment would not warrant withdrawal of the holding of abandonment. Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment. See Lorenz v. Finkl, 333 F.2d 885, 889-90, 142 USPQ 26, 29-30 (CCPA 1964); Krahn v. Commissioner, 15 USPQ2d 1823, 1824 (E.D. Va 1990); In re Application of Fischer, 6 USPQ2d 1573, 1574 (Comm'r Pat. 1988).
>
> Two additional procedures are available for reviving an application that has become abandoned due to a failure to reply to an Office Action: (1) a petition under 37 CFR 1.137(a) based upon unavoidable delay; and (2) a petition under 37 CFR 1.137(b) based on unintentional delay.
>
> See also 1156 O.G. 53 (October 25, 1993), which may be viewed at http://www.uspto.gov/web/offices/com/sol/og/con/files/cons074.htm

ANALYSIS

With the present petition, Petitioner has alleged that the mailing was not received, has set forth that he has searched both the file jacket and the docket records, and has included copies of the latter.

Moreover, Petitioner has correctly indicated that the second notice of non-compliant amendment was returned to the Office as undeliverable, and has included an amendment.

CONCLUSION

Considering the facts and circumstances of the delay at issue, as set forth on petition, it is concluded that Petitioner has met his burden of establishing that the mailing was not received.

Accordingly, the petition under 37 C.F.R. §1.181(a) is **GRANTED**. The holding of abandonment is **WITHDRAWN**.

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the amendment that was received with this petition can be processed.

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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DIW 11-04

FOLEY & LARDNER
P.O. BOX 80278
SAN DIEGO CA 92138-0278

COPY MAILED

NOV 3 0 2004

OFFICE OF PETITIONS

In re Application of :
Bredesen et al. : DECISION DISMISSING
Application No. 10/846,479 : PETITION
Filed: 14 May, 2004 :
Atty Docket No. BUCK1140 :

This is a decision on the petition filed 4 October, 2004, requesting that a "Notice to File Missing Parts of Nonprovisional Application" (Notice) mailed on 30 July, 2004, in the above-identified application be vacated to the extent that it states that Figures 1, 2, 3, 5, and 7 described in the specification appear to have been omitted.

The petition is dismissed.

The application was filed on 14 May, 2004. However, on 30 July, 2004, Initial Patent Examination Division mailed the "Notice" stating, *inter alia*, that the application had been accorded a filing date of 14 May, 2004, and advising applicant that Figures 1, 2, 3, 5, and 7 described in the specification appeared to have been omitted.

In response, on 4 October, 2004 (certificate of mailing date 30 September, 2004), the present petition was filed. Petitioners argue that Figures 1, 2, 3, 5, and 7, were not omitted. In support, the petition is accompanied by a copy of petitioners' postcard receipt acknowledging receipt of seven (7) sheets of drawings on 14 May, 2004.

A review of the contents of the file shows that seven (7) sheets of drawings containing, *inter alia*, Figures 1A, 1B, 1C, 2A, 2B, 2C, 2D, 3A, 3B, 3C, 5A, 5B, 5C, 7A, and 7B, were, in fact, filed on 14 May, 2004. It is obvious, therefore, from the petition that no drawing was actually missing on 14 May, 2004. Rather, the specification incorrectly referenced Figures 1, 2, 3, 5, and 7 as a result of applicants' filing error. However, the "Notice" mailed on 30 July, 2004, was correct in stating that Figures 1, 2, 3, 5, and 5 appeared to have been omitted.

The petition is dismissed.

Since the present petition was not necessitated by any error on the part of the Office, the $130.00 petition fee will not be refunded.

Accordingly, an amendment canceling the references to Figures 1, 2, 3, 5, and 7 in the specification should be filed prior to the first Office action in order to avoid future delays in the prosecution of the application.

The application will be processed and examined with a filing date of 14 May, 2004, using the application papers, including the seven (7) sheets of drawings filed on that date, as a part of the original disclosure. The copy of seven (7) sheets of drawings 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 referred to Initial Patent Examination Division for further processing with a filing date of 14 May, 2004, using the seven (7) sheets of drawings filed on that date.

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

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
OIW 01-05

FOLEY & LARDNER
P.O. BOX 80278
SAN DIEGO CA 92138-0278

COPY MAILED

JAN 27 2005

OFFICE OF PETITIONS

In re Application of	:
Bredesen et al.	: DECISION DISMISSING
Application No. 10/846,479	: PETITION
Filed: 14 May, 2004	:
Atty Docket No. BUCK1140	:

This is a decision on the request for reconsideration, filed on 29 December, 2004, requesting that a "Notice to File Missing Parts of Nonprovisional Application" (Notice) mailed on 30 July, 2004, in the above-identified application be vacated to the extent that it states that Figures 1, 2, 3, 5, and 7 described in the specification appear to have been omitted.

The petition is again dismissed.

The application was filed on 14 May, 2004. However, on 30 July, 2004, Initial Patent Examination Division mailed the "Notice" stating, *inter alia*, that the application had been accorded a filing date of 14 May, 2004, and advising applicant that Figures 1, 2, 3, 5, and 7 described in the specification appeared to have been omitted.

In response, on 4 October, 2004 (certificate of mailing date 30 September, 2004), a petition was filed. Petitioners argue that Figures 1, 2, 3, 5, and 7, were not omitted. In support, the petition is accompanied by a copy of petitioners' postcard receipt acknowledging receipt of seven (7) sheets of drawings on 14 May, 2004. The petition was dismissed on 30 November, 2004.

Petitioners request reconsideration in that the Notice mailed on 30 July, 2004, incorrectly stated that Figures 1, 2, 3, 5, and 7 described in the specification appeared to have been omitted. Petitioners additionally argue that the decision mailed on 30 November, 2004, is incorrect in that it requests that petitioners amend the specification to delete the references to Figures 1, 2, 3, 5, and 7.

Petitioners' arguments have been carefully considered, but are

not persuasive. At the outset, it is noted that no Figures 1, 2, 3, 5, and 7 are present among the drawings filed with the original application papers. As such, the Notice was correct in stating that these figures appeared to have been omitted. Whether the numbering system used in the specification by petitioners would be readily understood by the examiner or followed a particular convention, as argued by applicants, is not in issue.

Likewise, while petitioners are correct that an applicant may be his own lexicographer, such entitlement does not relieve applicant of the burden of following the rules of procedure.[1] Here, applicant referred to drawing figures that were not actually filed. Further, while it is indeed applicant's choice if or how to amend his specification, the Office has merely suggested a remedy to the inconsistency between the specification and the drawings.

The petition is dismissed.

Since the petition was not necessitated by any error on the part of the Office, the petition fee will not be refunded.

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

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

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

[1] 37 CFR 1.74 states that where there are drawings, the detailed description of the invention shall refer to the different views by specifying the numbers of the figures. 37 CFR 1.84(m)(5) states, in pertinent part, that reference characters mentioned in the description must appear in the drawings.

11-30-09

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. : 7,605,852 B2
Application No: 10/846,513
Inventor(s) : Alf Olsen, et. al.
Issued : October 20, 2009
Title : REAL-TIME EXPOSURE CONTROL FOR AUTOMATIC LIGHT CONTROL

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 Rules 1.322.

Respecting the alleged errors on the title page, item [75] inventor's address is printed in accordance with the record.

In view of the foregoing your request is hereby denied.

However, your attention is directed to C.F.R. 1.324, wherein a request is being made to add or delete inventor(s)adresses after issuance of the patent, which a decision is rendered on, by the Supervisory Patent Examiner.

Eva James
For Mary Diggs
Decisions & Certificates
of Correction Branch
(703) 756-1583 or 1580

Dick Stein Shapiro LLP
1825 Eye Street, NW
Washington, DC 20006-5403

ej

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

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

Mail Date: 04/22/2010

Applicant	: Alf Olsen	: DECISION ON REQUEST FOR
Patent Number	: 7605852	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/846,513	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/17/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1556** 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

TROXELL LAW OFFICE PC
5205 LEESBURG PIKE
SUITE 1404
FALLS CHURCH VA 22041

COPY MAILED

OCT 0 7 2005

OFFICE OF PETITIONS

In re Application of :
Jui-Hsiang Lin :
Application No. 10/846,524 : DECISION ON PETITION
Filed: May 17, 2004 :
Attorney Docket No. 3106-321 :

This is a decision on the "PETITION UNDER 37 C.F.R. 1.181", filed September 22, 2004, to accord the above-identified application a filing date of May 17, 2004, with 5 sheets of drawings as part of the original disclosure.

The petition is **GRANTED**.

Application papers in the above-identified application were filed on May 17, 2004. However, on August 19, 2004, the Initial Patent Examination Division mailed Applicant a "Notice of Incomplete NonProvisional Application." Applicant was notified that the application papers had not been accorded a filing date because the application was deposited without drawings.

In response, Applicant filed the instant petition. Accompanying the petition was a copy of 5 drawing sheets. Applicant maintains that the application as originally filed included 5 pages of drawings. In support thereof, applicant submitted a postcard receipt identifying this application, itemizing "5 sheets of Drawings; Fig. 1-5" as enclosed, bearing a United States Patent and Trademark Office date-stamp of May 17, 2004, 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. 50-1874.

The application is being forwarded to the Office of Initial Patent Examination (OIPE) for further processing with a filing date of May 17, 2004, using the application papers received in the Office on that date and the 5 pages of drawings as resupplied on petition filed September 22, 2004, and for indication in Office records that 5 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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 07/08/09

TO SPE OF : ART UNIT 1648

SUBJECT : Request for Certificate of Correction for Appl. No.: 10846548 Patent No.: 7192595 B2

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

Certificates of Correction Branch (C of C)
Randolph Square 9C62-D
Palm Location 7580

You can fax the Directors/SPE response to 571-270-9990

Lamonte Newsome
Certificates of Correction Branch
703-756-1574

Thank You For Your Assistance

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

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

Comments: _____

LARRY R. HELMS, PH.D.
SUPERVISORY PATENT EXAMINER AV 1643

UNITED STATES 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.

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

COPY MAILED

JUN 23 2008

OFFICE OF PETITIONS

In re Application of	:	
Tanaka et al.	:	
Application No. 10/846,558	:	DECISION ON
Filed: May 17, 2004	:	PETITION
Atty Docket No. 520.43860X00	:	

This is a decision on the PETITION FOR WITHDRAWAL OF ERRONEOUS HOLDING OF ABANDONMENT filed April 18, 2008.

The above-identified application became abandoned for failure to file a reply to the non-final Office action mailed September 5, 2007. This Office action set a shortened statutory period for reply of three (3) months, with extensions of time obtainable under §1.136(a). No reply timely filed and no extension of time obtained, the application became abandoned. A courtesy Notice of Abandonment was mailed on March 26, 2008.

In response, applicants filed the instant petition, asserting that the non-final Office action was never received at the correspondence address of record. The practitioner describes the system for docketing mail and states that he has reviewed the computer records and the file for the above-identified application and no indication of the Office action mailed September 5, 2007 for such application appears therein. In support thereof, the manual docketing record and the computer printout are submitted.

A review of the application file reveals no irregularities in the mailing of the Office action mailed September 5, 2007. Thus, there is a strong presumption that the correspondence was

properly mailed to the applicant at the correspondence address of record. In the absence of demonstrated irregularities in mailing of the Office action, petitioner must submit evidence to overcome this presumption. The following showing is required:

> Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.
>
> A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

Petitioner has adequately supported his claim of non-receipt with such evidence.

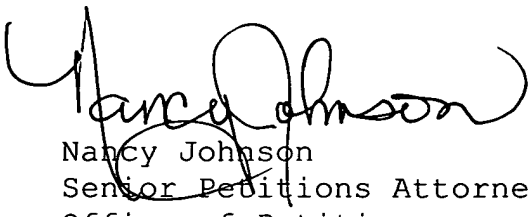
In view thereof, the notice of abandonment mailed March 26, 2008 and the holding of abandonment are hereby **WITHDRAWN**.

The petition under § 1.181 is **GRANTED**.

No fee is required on petition under § 1.181.

Technology Center AU 2139 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 non-final Office action mailed September 5, 2007 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

Mail Date: 04/21/2010

Applicant	: Roger Gutbrod	: DECISION ON REQUEST FOR
Patent Number	: 7636874	: RECALCULATION of PATENT
Issue Date	: 12/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/846,570	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/17/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1041** 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

CANTOR COLBURN, LLP
55 GRIFFIN ROAD SOUTH
BLOOMFIELD CT 06002

COPY MAILED

JUN 1 1 2007

OFFICE OF PETITIONS

In re Application of :
FILSOUF, Ehsan :
Application No. 10/846,575 : DECISION ON PETITION
Filed: May 17, 2004 : TO MAKE SPECIAL UNDER
Attorney Docket No. 01-004 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed May 21, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes the statement of inventor Ehsan Filsouf, attesting to his age. Accordingly, the above-identified application has been accorded "special" status.

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

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 3732 for action on the merits commensurate with this decision.

Monica A. Graves
Petitions Examiner
Office of Petitions

PTO/SB/44 (09-07)
Approved for use through 08/31/2010. OMB 0651-0033
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.
(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 7,198,706

APPLICATION NO.: 10/846,598

ISSUE DATE : April 3, 2007

INVENTOR(S) : Michael E .LEWIS

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Front page, item (63), priority application data, delete "6,331,243." and insert therefor --6,331,243, which is a continuation-in-part of application No. 09/066,174, filed on Apr. 24, 1998, now Pat. No. 6,046,515.--.

OK to amend BB 11/7/07

MAILING ADDRESS OF SENDER (Please do not use customer number below):

Borden Ladner Gervais LLP
100 Queen Street, Suite 1100
Ottawa, Ontario, K1P 1J9, Canada

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.: X

DATE : November 07,2007

TO SPE OF : ART UNIT 1795

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/846,598 Patent No.: 7198706 B2

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

With respect to the change(s) requested to correct Office and/or Applicant's errors, should the patent read as shown in the certificate of correction attached herewith or the COCIN document(s), in IFW images for the above-identified patented application? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

If the response is for an IFW, within 7 days, please complete and forward the response, to the employee (named below) via scanning into application images, using document code **COCX**.

DO NOT SENT TO ATTORNEY

If the response is for a paper file wrapper, please complete the response and forward the response with the paper file wrapper, to the employee (named below), within 7 days, to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

You can fax the Directors/SPE response to 571-270-9990

LAMONTE

NEWSOME

Certificates of Correction Branch

703-308-9390 ext. 112

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

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

Comments: _____

_____

_____

_____

_____

1795

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

SPE

Art Unit
1795

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

NOV 23 2004

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 3600

Cislo & Thomas, LLP
233 Wilshire Blvd.
Suite 900
Santa Monica, CA 90401-1211

In re application of
Isaac Weiser, et al.
Application No. 10/846,608
Filed: May 14, 2004
For: DECK CLAMPED STANDARD

DECISION ON PETITION TO MAKE SPECIAL (ACCELERATED EXAMINATION)

This is in response to the petition filed on July 12, 2004, to make the above-identified application special on the basis of special examining procedure for certain new applications - accelerated examination as set forth in MPEP § 708.02, VIII.

The requirements for granting special status under this section are: (A) a petition to make special accompanied by the fee set forth in 37 CFR 1.17(h); (B) all claims being directed to a single invention, or an election without traverse if the Office determines that all the claims are not directed to a single invention; (C) a statement that a pre-examination search was made listing the field of search; (D) one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and (E) a detailed discussion of how the claimed subject matter is patentable over the references in accordance with 37 CFR 1.111 (b) and (c).

In satisfaction of item (B) above, the petitioner states, "If the Office determines that all claims presented are not obviously directed to a single invention, then Applicants will make an election without traverse as a prerequisite to the grant of special status."

Since all of the requirements for special status under MPEP § 708.02, VIII have been met, the petition is **GRANTED**.

The examiner is directed (1) to make an interference search for possible interfering applications, (2) to promptly examine this application out of turn, and (3) if any interfering application is discovered, to examine such application simultaneously and state in the first official letter of such application that it is being taken out of turn because of a possible interference.

Petitioner is advised that this application will continue to be special, throughout its entire prosecution and pendency, including interference or appeal, if any, only if petitioner makes a prompt ***bona fide*** effort, in response to each Office action, to place the application in condition for allowance, even if it is necessary to conduct an interview with the examiner to accomplish this purpose.

Kenneth J. Dorner
Special Programs Examiner
Technology Center 3600
(703) 308-0866

KJD/rwg: 11/10/04

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/846,618	05/14/2004	3762	637	64081-00004USP2	3	36	4

CONFIRMATION NO. 2107

JENKENS & GILCHRIST
A PROFESSIONAL CORPORATION
Steven R. Greenfield
1445 Ross Avenue, Suite 3200
Dallas, TX 75202

CORRECTED FILING RECEIPT

OC000000014747292

Date Mailed: 12/14/2004

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)

Victor Gura, Beverly Hills, CA;

Power of Attorney: The patent practitioners associated with Customer Number **23932**.

Domestic Priority data as claimed by applicant

This application is a CIP of 10/085,349 11/16/2001

Foreign Applications

If Required, Foreign Filing License Granted: 07/16/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/846,618

Projected Publication Date: 12/16/2004

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Wearable ultrafiltration device

Preliminary Class

604

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

GRANTED

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

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

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

NOT GRANTED

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

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

PERKINS COIE LLP
P.O. BOX 1208
SEATTLE, WA 98111-1208

Mail Date: 05/10/2010

Applicant	: Nick Czeczulin	: DECISION ON REQUEST FOR
Patent Number	: 7587455	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 10/846,619	: OF WYETH
Filed	: 05/14/2004	:
		:

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
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Paper No.

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

COPY MAILED

JAN 25 2007

OFFICE OF PETITIONS

In re Patent No. 7,061,389	:	DECISION ON
Tomotoshi Senoo	:	REQUEST FOR RECONSIDERATION
Issue Date: June 13, 2006	:	OF
Application No. 10/846,621	:	PATENT TERM ADJUSTMENT
Filed: May 17, 2004	:	
Attorney Docket No.086142.0668	:	

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(d)," filed August 14, 2006. Patentee requests that the patent term adjustment indicated in the patent be corrected from two (2) days to eighty (80) days.

The request for reconsideration of patent term adjustment is **DISMISSED**.

Patentee is given TWO (2) MONTHS from the mail date of this decision to respond to this decision. No extensions of time will be granted under § 1.136.

On June 13, 2006, the above-identified application matured into U.S. Patent No. 7,061,389, with a revised patent term adjustment of 0 days. On Monday, August 14, 2006, patentee timely submitted this request for reconsideration of patent term adjustment (with required fee), asserting that the correct number of days of Patent Term Adjustment is 80 days. Patentee disputes the reduction of 78 days associated with the filing on February 8, 2006, of an Information Disclosure Statement after the mailing of the notice of allowance. Patentee states that this paper was not a newly submitted IDS but rather a request

for an initialed copy of a previously filed IDS and thus, should not have reduced the PTA.

Patentee's arguments and evidence have been considered, but not found persuasive. A review of the record confirms that on February 8, 2006 applicants made a Request for an Initialed IDS, supplying a copy of the IDS filed prior to the mailing of the notice of allowance. Under the circumstances the filing on February 8, 2006 of the IDS along with a letter requesting return of an initialed IDS should not be considered "a failure to engage in reasonable efforts" to conclude processing or examination of an application and should result in reduction of the patent term adjustment pursuant to 37 CFR 1.704(c)(10). The non-final Office action mailed October 5, 2005 did not acknowledge the IDS filed August 15, 2005. However, applicants waited until after the mailing of the Notice of Allowance mailed January 13, 2006 to request the IDS be initialed. The filing of such a paper after the mailing of the Notice of Allowance is a proper basis for reduction of the patent term adjustment, pursuant to 37 CFR 1.704(c)(10). Thus, the reduction of 78 days associated with the filing of this paper is warranted.

In view thereof, the patent properly issued with a revised patent term adjustment of 2 days.

Receipt of the $200.00 fee set forth in 37 CFR 1.18(e) is acknowledged. No additional fees are required.

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

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

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

Mail Date: 04/26/2010

Applicant	: Klaus Irle	: DECISION ON REQUEST FOR
Patent Number	: 7668888	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/846,689	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/17/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **559** 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

OLIFF & BERRIDGE PLC
P O BOX 19928
ALEXANDRIA, VA 22320

COPY MAILED

APR 0 4 2006

OFFICE OF PETITIONS

In re Application of :
Tsuyoshi Maeda :
Application No. 10/846,703 : DECISION GRANTING PETITION
Filed: May 17, 2004 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 119545 :

This is a decision on the petition, filed March 27, 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 17, 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 2871 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\846703.wpd

---

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Ormiston & McKinney
802 W. Bannock, Suite 400
P.O. Box 298
Boise ID 83701-0298

COPY MAILED

FEB 0 4 2005

OFFICE OF PETITIONS

In re Application of
Wilhite, et al.
Application No. 10/846,713
Filed: May 14, 2004
Attorney Docket No. 02-019-1/1038
For: SECURE COMMUNICATION

ON PETITION

A petition under 37 CFR 1.47(a) was received in the United States Patent and Trademark Office (Office) on December 20, 2004 (certificate of mailing date December 16, 2004).

Petitioner is reminded that a grantable petition under 37 CFR 1.47(a) requires:

(1) a petition including proof of the pertinent facts establishing that the joint inventor refuses to join, or cannot be found or reached after diligent effort,
(2) a proper oath or Declaration executed by the available joint inventor(s),
(3) the petition fee of $200 as specified in 37 CFR § 1.17(g), and
(4) the last known address of the omitted inventor.

President Bush signed the Consolidated Appropriations Act, 2005 , for the remainder of Fiscal Year 2005 (H.R. 4818). The Consolidated Appropriations Act revised patent fees. Effective December 8, 2004, the fee for filing a Rule 47 petition is $200.00. It is noted that petitioners submitted only $130.00 with the instant petition. The merits of the petition will not be addressed until the balance due for the petition fee, $70.00, is paid in full.

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

Petitioner must submit $70.00 towards payment of the $200.00 petition fee within **TWO (2) months** of the mail date of this decision. **Failure to respond will result in abandonment of the application.**

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

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

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

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

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

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

COPY MAILED

JAN 18 2006

OFFICE OF PETITIONS

OSTROLENK FABER GERB &SOFFEN
1180 AVENUE OF THE AMERICAS
NEW YORK NY 10036-8403

In re Application of :
Jeronimo Alonso et al :
Application No. 10/846,716 : ON PETITION
Filed: May 14, 2004 :
Attorney Docket No. P/3328-68 :

This is a decision on the petition, filed January 17, 2006, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

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

Petitioner is advised that the issue fee paid on November 3, 2005, in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

The examiner of Technology Center AU 2854 will consider the request for continued examination under 37 CFR 1.114.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

---

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. _____

Date : January 18, 2006

TO : Director, Office of Patent Publication

FROM : Office of the Deputy Commissioner
for Patent Examination Policy

COPY MAILED

JAN 18 2006

OFFICE OF PETITIONS

SUBJECT : Withdrawal from Issue of

Applicant(s) :Jeronimo Alonso et al
Application No. :10/846,716
Filed :May 14, 2004

The above-identified application has been assigned Patent No. 6,988,448 and an issue date of January 24, 2006.

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

Do not refund the issue fee.

The following erratum should be published in the Official Gazette if the above-identified application is published in the OG of January 24, 2006:

> "All reference to Patent No. 6,988,448 to Jeronimo Alonso et al of Switzerland for METHOD FOR CHECKING THE QUALITY OF FLAT WORKPIECES AND DEVICE FOR CARRYING OUT SAID METHOD appearing in the Official Gazette of January 24, 2006 should be deleted since no patent was granted."

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc: Paul Harrison, MDW-4B03,(FAX-273-5468)
Deneise Boyd, MDE-3D39 (FAX-273-5124)
Mary Louise McAskill, ST-8C15 (FAX 305-4372)
Niomi Farmer, ST-8C14 (FAX-305-4372)
Mary E. Johnson (Cookie), MDE-7C71 (FAX 273-0038
Duane Davis P/OPC MDE-7D89
Tamara Greene, ST-8C13

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

COPY MAILED

FEB 24 2005

OFFICE OF PETITIONS

In re Application of
Gleeson, et al.
Application No. 10/846,723
Filed: May 13, 2004
Atty. Dkt. No.: 003775.P011
For: METHOD AND APPARATUS FOR FILTERING EMAIL SPAM BASED ON SIMILARITY MEASURES

: DECISION DISMISSING STATUS
: UNDER 37 CFR 1.47(a)

This decision is in response to the petition under 37 CFR 1.47(a), filed January 19, 2005.

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 legal representative of the deceased 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 May 13, 2004 without an executed oath or declaration. Accordingly, a Notice to File Missing Parts of Nonprovisional Application was mailed July 19, 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 requirements (1) set forth above. Petitioners indicate that a declaration and assignment document were forward to the non-signing inventor and that the inventor has refused to execute the declaration. Petitioner has included a copy of an email with numerous attachments forwarded to the inventor requesting execution of the application documents. The attachments do not appear to identify the instant application by application number nor is there any indication that the complete application papers (specification, including claims, drawings, and oath or declaration) were attached. There is no supporting evidence that the complete application papers were forwarded by mail to the non-signing inventor.

Petitioner is reminded that before a refusal to sign an oath or declaration can be alleged, it must be demonstrated that a *bona fide* effort has been made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the non-signing inventor. Petitioners have failed to establish that the non-signing inventor received a copy of the application papers (specification, claims, drawings, and oath or declaration) and thereafter refused to execute the oath or declaration. Any renewed petition should be accompanied by evidence to establish that the non-signing inventor was sent a complete copy of the application papers (specification, claims, drawings, and oath or declaration) and thereafter refused to execute the declaration. Petitioner may wish to provide the Office copies of letters sent to the inventors indicating the enclosure of the application papers (specification, claims, drawings, and oath or declaration). If after the inventor receives the application papers and requests to execute the oath or declaration are refused, these facts should be set forth in a statement of facts signed by the person to whom the refusals were made and detailing with specificity the exact manner of the refusals. If a written refusal has been made, a copy of the written refusal should be included on renewed petition.

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

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

By facsimile: (703) 872-9306

By hand:

U.S. Patent and Trademark Office
Customer Service Window
Mail Stop Petition
Randolph Building
401 Dulaney Street
Alexandria, VA 22314

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

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

COPY MAILED

AUG 18 2005

OFFICE OF PETITIONS

In re Application of	:	
Gleeson, et al.	:	DECISION GRANTING
Application No. 10/846,723	:	STATUS UNDER 37 CFR
Filed: May 13, 2004	:	1.47(a)
Atty. Dkt. No.: 003775.P011	:	
For: METHOD AND APPARATUS FOR	:	
FILTERING EMAIL SPAM BASED ON	:	
SIMILARITY MEASURES	:	

This decision is in response to the renewed petition under 37 CFR 1.47(a), filed July 27, 2005.

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

Petitioner has shown that inventor Art Medlar 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Art Medlar
1998 Ward Street
Berkeley, CA 94703

COPY MAILED

AUG 18 2005

OFFICE OF PETITIONS

In re Application of :
Gleeson, et al. :
Application No. 10/846,723 : LETTER
Filed: May 13, 2004 :
Atty. Dkt. No.: 003775.P011 :
For: METHOD AND APPARATUS FOR :
FILTERING EMAIL SPAM BASED ON :
SIMILARITY MEASURES :

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MARINA PORTNOVA
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

COPY MAILED

JUN 0 2 2009

OFFICE OF PETITIONS

In re Application of	:	
Gleeson et al.	:	DECISION ON PETITION
Application No. 10/846,723	:	TO WITHDRAW
Filed: May 13, 2004	:	FROM RECORD
Attorney Docket No. 6002-02000	:	

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 14, 2006.

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

A review of the file record indicates that on March 28, 2006 the power of attorney to Blakely Sokoloff Taylor & Zafman LLP was revoked by the assignee of the patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C.
P.O. Box 398
Austin TX 78767-0398

UNITED STATES PATENT AND TRADEMARK OFFICE

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

EDWARD W. GOEBEL, JR.
MACDONALD, ILLIG, JONES & BRITTON LLP
100 STATE STREET
SUITE 700
ERIE PA 16507-1498

COPY MAILED

AUG 31 2006

OFFICE OF PETITIONS

In re Application of :
Simmons :
Application No. 10/846,730 : DECISION ON PETITION
Filed: May 14, 2004 : TO WITHDRAW
Attorney Docket No. 19459.0000 : 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 4, 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 Jon L. Woodard, Esq. on behalf of all attorneys of record.

All attorneys/agents associated with this application.

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

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

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

April M. Wise
Petitions Examiner
Office of Petitions

cc: George Simmons, III
1960 East 18th Street
Erie, PA 16510-1104

Atty Docket No. A8844/T55100

PTO FAX NO.: (571) 273-1865

ATTENTION: Examiner Khiem D. Nguyen Group Art Unit 2823

OFFICIAL COMMUNICATION

FOR THE PERSONAL ATTENTION OF

EXAMINER Khiem D. Nguyen

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that the following documents in re Application of Reza Arghavani et al., Application No. 10/846,734, filed May 14, 2004 for METHOD OF INDUCING STRESSES IN THE CHANNEL REGION OF A TRANSISTOR are being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Documents Attached

1. Copy of ADS filed May 14, 2004
2. Copy of postcard acknowledgment (front and back)

Number of pages being transmitted, including this page: 8

Dated: March 31, 2009 Bonnie Rickles

Bonnie Rickles

PLEASE CONFIRM RECEIPT OF THIS PAPER BY RETURN FACSIMILE AT (303) 571-4321

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, CA 94111-3834
Telephone: 303-571-4000
Fax: 303-571-4321
0906

61882115 v1

Application Data Sheet

Application Information

Application Type::	Regular
Subject Matter::	Utility
Title::	METHOD OF INDUCING STRESSES IN THE CHANNEL REGION OF A TRANSISTOR
Attorney Docket Number::	A8844/T55100
Request for Early Publication::	No
Request for Non-Publication::	No
Total Drawing Sheets::	9
Small Entity?::	No
Petition included?::	No
Secrecy Order in Parent Appl.::	No

Applicant Information

Applicant Authority Type::	Inventor
Primary Citizenship Country::	US
Status::	Full Capacity
Given Name::	Reza
Family Name::	Arghavani
City of Residence::	Scotts Valley
State or Province of Residence::	CA
Country of Residence::	US
Street of Mailing Address::	192 Twin Pines Drive
City of Mailing Address::	Scotts Valley
State or Province of mailing address::	CA
Country of mailing address::	US
Postal or Zip Code of mailing address::	95066

PAGE 2/8 * RCVD AT 3/31/2009 12:09:43 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-5/38 * DNIS:2731865 * CSID: * DURATION (mm-ss):01-30

Applicant Authority Type::	Inventor
Primary Citizenship Country::	Canada
Status::	Full Capacity
Given Name::	Zheng
Family Name::	Yuan
City of Residence::	Fremont
State or Province of Residence::	CA
Country of Residence::	USUS
Street of Mailing Address::	42024 Benbow Drive
City of Mailing Address::	Fremont
State or Province of mailing address::	CA
Country of mailing address::	US
Postal or Zip Code of mailing address::	94539

Applicant Authority Type::	Inventor
Primary Citizenship Country::	US
Status::	Full Capacity
Given Name::	Ellie
Middle Name::	Y.
Family Name::	Yieh
City of Residence::	San Jose
State or Province of Residence::	CA
Country of Residence::	US
Street of Mailing Address::	5888 Pistoia Way
City of Mailing Address::	San Jose
State or Province of mailing address::	CA
Country of mailing address::	US
Postal or Zip Code of mailing address::	95138

Applicant Authority Type::	Inventor
Primary Citizenship Country::	India

PAGE 3/8 * RCVD AT 3/31/2009 12:09:43 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-5/38 * DNIS:2731865 * CSID: * DURATION (mm-ss):01-30

Status::	Full Capacity
Given Name::	Shankar
Family Name::	Venkataraman
City of Residence::	Santa Clara
State or Province of Residence::	CA
Country of Residence::	US
Street of Mailing Address::	3444 Notre Dame Drive
City of Mailing Address::	Santa Clara
State or Province of mailing address::	CA
Country of mailing address::	US
Postal or Zip Code of mailing address::	95051

Applicant Authority Type::	Inventor
Primary Citizenship Country::	India
Status::	Full Capacity
Given Name::	Nitin
Middle Name::	K.
Family Name::	Ingle
City of Residence::	Campbell
State or Province of Residence::	CA
Country of Residence::	US
Street of Mailing Address::	999 W. Hamilton Avenue, #97
City of Mailing Address::	Campbell
State or Province of mailing address::	CA
Country of mailing address::	US
Postal or Zip Code of mailing address::	95008

Correspondence Information

Name Line One::	Patent Counsel, M/S 2061
Name Line Two::	APPLIED MATERIALS, INC.

PAGE 4/8 * RCVD AT 3/31/2009 12:09:43 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-5/38 * DNIS:2731865 * CSID: * DURATION (mm-ss):01-30

Address Line One::	Legal Affairs Department
Address Line Two::	P.O. Box 450A
City::	Santa Clara
State or Province::	CA
Postal or Zip Code::	95052
Telephone::	303-571-4000
Fax::	415-576-0300

Representative Information

Representative Designation::	Representative Number::	Representative Name::
Primary	37,234	William L. Shaffer
Primary	25,610	Peter J. Sgarbossa
Primary	37,771	Joseph Bach
Primary	43,855	Loretta A. Peters
Primary	37,165	Raymond Kam-On Kwong
Primary	35,412	James C. Wilson
Primary	25,436	Robert W. Mulcahy
Primary	27,431	Robert C. Colwell
Primary	41,405	Chun-Pok Leung
Primary	40,456	Patrick R. Jewik
Primary	39,496	Kent J. Tobin
Primary	44,037	Patrick M. Boucher
Primary	42,320	Eugene J. Bernard

Assignee Information

Assignee Name::	Applied Materials, Inc.
Street of mailing address::	P.O. Box 450A
City of mailing address::	Santa Clara
State or Province of mailing address::	California
Country of mailing address::	United States

PAGE 5/8 * RCVD AT 3/31/2009 12:09:43 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-5/38 * DNIS:2731865 * CSID: * DURATION (mm-ss):01-30

Postal or Zip Code of mailing address:: 95052

PAGE 6/8 * RCVD AT 3/31/2009 12:09:43 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-5/38 * DNIS:2731865 * CSID: * DURATION (mm-ss):01-30

PATENT APPLICATION
FILING ACKNOWLEDGMENT

Please stamp the date of receipt of the following document(s), and return this card to us.

Re: METHOD OF INDUCING STRESSES IN THE CHANNEL REGION OF A TRANSISTOR

Title of Documents:

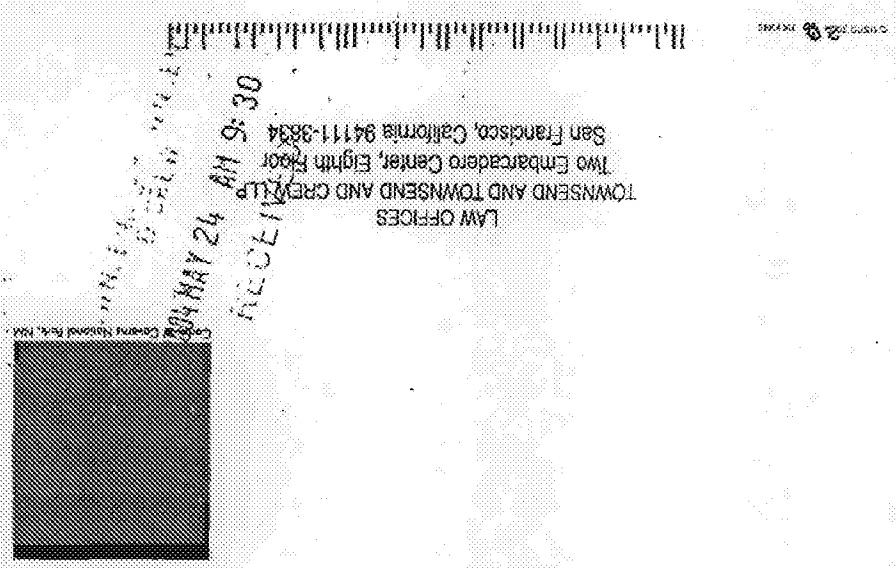
1. Utility Patent Application Transmittal
2. Fee Transmittal
3. Application Data Sheet (5 pages)
4. Combined Declaration and Power of Attorney
5. Recordation Form Cover Sheet and Assignment

RECD JUN 22 2004

No. Page of Specification:	16	No. Page of Abstract:	1
No. Pages of Claims:	3	No. Sheets of Drawings:	9

Express Mail No.: EV341104941US
Date Mailed: June 14, 2004
Attorney Ref. No.: A3844T55100
TTC No.: 016301-055100US
Atty/Sec.: GSB/bnr [Denver]

19587 U.S.PTO
10/868734


LAW OFFICES
TOWNSEND AND TOWNSEND AND CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
2004 MAY 24 AM 9:30

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Douglas W. Rommelmann, Esq.
Andrews Kurth, LLP
Suite 4200
600 Travis
Houston TX 77002-2778

COPY MAILED

OCT 1 4 2004

OFFICE OF PETITIONS

In re Application of
Faulkner et al.
Application No. 10/846,744
Filed: May 14, 2004
Attorney Docket No.:
H053282.0042US0

DECISION GRANTED-IN-PART

This is a decision on the petition filed September 17, 2004, requesting in effect, that a Notice to File Missing Parts in a Nonprovisional Application ("Notice") mailed August 13, 2004, be withdrawn.

The application was filed on May 14, 2004. However, on August 13, 2004, the Office of Initial Patent Examination (OIPE) mailed a Notice stating that the application had been accorded a filing date of May 14, 2004 but figure 10 as described in the specification appeared to have been omitted.

In response, the present petition was filed wherein Petitioner contends figure 10 was filed on May 14, 2004. In support, the petition is accompanied by a copy of applicant's return postcard which lists "drawings 8 pgs". The petition is further accompanied by a copy of figure 10.

Applicant's postcard receipt is prima facie evidence that 8 sheets of drawings including figure 10 as described in the specification were received on May 14, 2004, but figure 10 is not present in the file. Hence, it is clear that the papers for this application were mishandled by the Office. Therefore, it is concluded that figure 10 was received on May 14, 2004, as shown in counsel's file, and later misplaced in the office.

The petition is Granted-In-Part to the extent it applies to the omitted figure. However, the Notice was correct regarding the requirement to submit an executed oath or declaration. No petition fee is due. Accordingly, deposit account 50-0897 will

be refunded the $130.00 petition fee.

Since figure 10 as described in the specification cannot be located in the Office, figure 10 supplied on September 17, 2004, will be used for processing and examination purposes.

The application will be returned to the Office of Initial Patent Examination for further processing with a filing date of May 14, 2004, using the drawings submitted on May 14, 2004 and substitute figure 10 supplied on September 17, 2004.

Telephone inquiries related to this decision may be directed to the undersigned at (703) 306-0251.

Charlema R. Grant
Petition 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

WEYERHAEUSER COMPANY
INTELLECTUAL PROPERTY DEPT., CH 1J27
P.O. BOX 9777
FEDERAL WAY, WA 98063

COPY MAILED

NOV 15 2005

OFFICE OF PETITIONS

In re Application of :
Donald D. Halabisky :
Application No. 10/846,755 :
Filed: May 14, 2005 :
Attorney Docket No. WEYE118944/24771

ON PETITION

This is a decision on the petition under 37 CFR 1.137(a), filed November 3, 2005, to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to reply to the Notice of Allowance and Issue Fee Due mailed May 12, 2005, which set a statutory period for reply of three (3) months from its mailing date. A proper response was not received within the allowed period, and the application became abandoned on August 13, 2005. The Notice of Abandonment was mailed on October 13, 2005.

Petitioner has established that the delay was unavoidable and resulted from a clerical error.

The file is now being forwarded to the Office of Patent Publications for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. None

WEYERHAEUSER COMPANY
INTELLECTUAL PROPERTY DEPT., CH 1J27
P.O. BOX 9777
FEDERAL WAY WA 98063

COPY MAILED

NOV 0 1 2005

OFFICE OF PETITIONS

In re Application of
Donald D. Halabisky et al.
Application No. 10/846,760
Filed: May 14, 2004
Attorney Docket Number:
WEYE122969/25071A
Title: EMBOSSED INSULATING PAPERBOARD

DECISION ON PETITION

This is a decision on the petition filed October 25, 2005, under 37 C.F.R. §1.137(a)[1], to revive the above-identified application.

The above-identified application became abandoned for failure to submit the issue and publication fees in a timely manner in reply to the Notice of Allowance and Issue Fee Due, mailed May 17, 2005, which set a shortened statutory period for reply of three (3) months. No extensions of time are permitted for transmitting issue or publication fees[2]. Accordingly, the above-identified application became abandoned on August 18, 2005. A Notice of Abandonment was mailed on October 13, 2005.

The petition consists of the first page of PTO form PTO/SB/61[3]. The second and third pages of the form have not been located in the electronic file. Perhaps they were inadvertently not included in the submission?

---

1 A grantable petition pursuant to 37 CFR 1.137(a) must be accompanied by:
(1) The reply required to the outstanding Office action or notice, unless previously filed;
(2) The petition fee as set forth in § 1.17(l);
(3) A showing to the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unavoidable;
(4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

2 See MPEP §710.02(e).

3 This form consists of three pages, with the signature of the Petitioner appearing on the second page.

37 C.F.R. §10.18(a) sets forth:

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, personally signed by such practitioner, in compliance with § 1.4(d)(1) of this chapter.

Since this petition has been submitted without a signature, the petition cannot be processed. For this reason, the petition under 37 CFR §1.137(a) is **DISMISSED**.

Any request for a renewed petition under 37 C.F.R. §1.137(a) must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extension of time under 37 CFR 1.136(a) are permitted. The response should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(a)". 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[4], hand-delivery[5], or facsimile[6].

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.

Notice regarding fees:

Historically the fees that the USPTO charges for doing business increase at the beginning of each fiscal year (October 1). Please be advised that applicants should monitor the USPTO website for future updates whenever any necessary money is sent[7].

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

4 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
5 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
6 (571) 273-8300- please note this is a central facsimile number.
7 For more information, see www.USPTO.gov.

UNITED STATES 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

WEYERHAEUSER COMPANY
INTELLECTUAL PROPERTY DEPT., CH 1J27
P.O. BOX 9777
FEDERAL WAY WA 98063

COPY MAILED

JAN 10 2006

OFFICE OF PETITIONS

In re Application of
Donald D. Halabisky et al.
Application No. 10/846,760
Filed: May 14, 2004
Attorney Docket Number:
WEYE122969/25071A
Title: EMBOSSED INSULATING PAPERBOARD

DECISION ON RENEWED PETITION

This is a decision on the renewed petition filed November 30, 2005, under 37 C.F.R. §1.137(a)[1], which is properly treated as a petition under 37 C.F.R. §1.181 to withdraw the holding of abandonment.

The above-identified application became abandoned for failure to submit the issue and publication fees in a timely manner in reply to the Notice of Allowance and Issue Fee Due, mailed May 17, 2005, which set a shortened statutory period for reply of three (3) months. No extensions of time are permitted for transmitting issue or publication fees[2]. Accordingly, the above-identified application became abandoned on August 18, 2005. A Notice of Abandonment was mailed on September 13, 2005.

The original petition was submitted on October 25, 2005, and was dismissed via the mailing of a decision on November 1, 2005 as the petition was submitted without a signature.

---

1 A grantable petition pursuant to 37 CFR 1.137(a) must be accompanied by:
(1) The reply required to the outstanding Office action or notice, unless previously filed;
(2) The petition fee as set forth in § 1.17(l);
(3) A showing to the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unavoidable;
(4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

2 See MPEP §710.02(e).

On November 30, 2005, a renewed petition was submitted via facsimile transmission.

With this renewed petition, Petitioner has asserted that on July 13, 2005, one Ms. Susan Finn (a legal secretary for Weyerhaeuser) attempted to annotate her copy of the OG Notice of July 12, 2005, to update the fax number for assignment branch. Unfortunately, she erroneously wrote the facsimile number in the space adjacent to the heading "Office of Patent Publication." The notice in question, 1296 OG 76, provided a list of fax numbers for various branches of the Office. The section concerning the fax number for the Office of Patent Publications (subheading 2) is several paragraphs above the section concerning the fax number for the assignment branch (subheading 5) - on Petitioner's copy of the notice, these two sections appeared on the same page. Ms. Finn crossed out the correct issue fee fax number and wrote the fax number for assignment branch, in it's place, believing that she was writing the number in the section pertaining to assignment branch.

It appears as though this list is used to program the fax numbers into the memory of Petitioner's fax machine.

On August 12, 2005, Ms. Finn attempted to transmit form PTOL-85b (with Petitioner's Deposit Account information located thereon) to the Office of Patent Publications, but due to the erroneous entry discussed above, faxed the transmission to the number associated with the assignment branch.

On October 12, 2005, Ms. Finn received a facsimile transmission from the assignment branch, entitled "Notice of non-recordation of document." It was at that point that Ms. Finn realized the error, corrected his copy of the OG notice, and reprogrammed the fax machine with the correct number.

Considering the facts and circumstances of the delay at issue, as set forth on petition, it is concluded that petitioner has met his burden of establishing that the holding of abandonment should be withdrawn.

The petition is **GRANTED**. The holding of abandonment is **WITHDRAWN.**

The Office of Patent Publication will be notified of this decision.

The phone number for the Office of Patent Publication is (703) 308-6789. Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. None

WEYERHAEUSER COMPANY
INTELLECTUAL PROPERTY DEPT., CH 1J27
P.O. BOX 9777
FEDERAL WAY WA 98063

COPY MAILED

DEC 0 5 2005

OFFICE OF PETITIONS

In re Application of	:	
Donald D. Halabisky	:	
Application No. 10/846,761	:	DECISION ON PETITION
Filed: May 14, 2004	:	
Attorney Docket Number:	:	
WEYE122970/25185A	:	
Title: HOT CUP MADE FROM AN INSULATING PAPERBOARD	:	

This is a decision on the petition filed November 2, 2005, under 37 C.F.R. §1.137(a)[1], which is properly treated as a petition under 37 C.F.R. §1.181 to withdraw the holding of abandonment.

The above-identified application became abandoned for failure to submit the issue and publication fees in a timely manner in reply to the Notice of Allowance and Issue Fee Due, mailed May 17, 2005, which set a shortened statutory period for reply of three (3) months. No extensions of time are permitted for transmitting issue or publication fees[2]. Accordingly, the above-identified application became abandoned on August 18, 2005. A Notice of Abandonment was mailed on September 30, 2005.

With this petition, Petitioner has asserted that on July 13, 2005, one Ms. Susan Finn (a legal secretary for Weyerhaeuser) attempted to annotate her copy of the OG Notice of July 12, 2005, to update the fax number for assignment branch. Unfortunately, she erroneously wrote the facsimile number in the space adjacent to the heading "Office of Patent Publication." The notice

1 A grantable petition pursuant to 37 CFR 1.137(a) must be accompanied by:
(1) The reply required to the outstanding Office action or notice, unless previously filed;
(2) The petition fee as set forth in § 1.17(l);
(3) A showing to the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unavoidable;
(4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

2 See MPEP §710.02(e).

in question, 1296 OG 76, provided a list of fax numbers for various branches of the Office. The section concerning the fax number for the Office of Patent Publications (subheading 2) is several paragraphs above the section concerning the fax number for the assignment branch (subheading 5) - on Petitioner's copy of the notice, these two sections appeared on the same page. Ms. Finn crossed out the correct issue fee fax number and wrote the fax number for assignment branch, in it's place, believing that they were writing the number in the section pertaining to assignment branch.

It appears as though this list is used to program the fax numbers into the memory of Petitioner's fax machine.

On August 12, 2005, Ms. Finn attempted to transmit form PTOL-85b (with Petitioner's Deposit Account information located thereon) to the Office of Patent Publications, but due to the erroneous entry discussed above, faxed the transmission to the number associated with the assignment branch.

On October 12, 2005, Ms. Finn received a facsimile transmission from the assignment branch, entitled "Notice of non-recordation of document." It was at that point that Ms. Finn realized the error, corrected his copy of the OG notice, and reprogrammed the fax machine with the correct number.

Considering the facts and circumstances of the delay at issue, as set forth on petition, it is concluded that petitioner has met his burden of establishing that the holding of abandonment should be withdrawn.

The petition is **GRANTED**. The holding of abandonment is **WITHDRAWN.**

The Office of Patent Publication will be notified of this decision.

The petition fee will be refunded to Petitioner's Deposit Account, as authorized in the petition.

The phone number for the Office of Patent Publication is (703) 308-6789. Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. None

WEYERHAEUSER COMPANY
INTELLECTUAL PROPERTY DEPT., CH 1J27
P.O. BOX 9777
FEDERAL WAY WA 98063

COPY MAILED
MAY 05 2006
OFFICE OF PETITIONS

In re Application of :
Donald D. Halabisky :
Application No. 10/846,762 : DECISION ON PETITION
Filed: May 14, 2004 : UNDER 37 C.F.R. §1.181
Attorney Docket Number: :
WEYE122971/25198A :
Title: METHOD FOR MAKING AN :
INSULATING PAPERBOARD :

This is a decision on the petition filed January 11, 2006, under 37 C.F.R. §1.181 to withdraw the holding of abandonment.

The above-identified application became abandoned for failure to submit the issue fee, the publication fee, and a substitute oath or declaration in a timely manner in reply to the Notice of Allowance and Issue Fee Due, mailed June 17, 2005, which set a shortened statutory period for reply of three (3) months. No extensions of time are permitted for transmitting issue or publication fees[1]. Accordingly, the above-identified application became abandoned on September 18, 2005.

With this petition, Petitioner has included the issue and publication fees. Petitioner has further asserted that on July 13, 2005, one Ms. Susan Finn (a legal secretary for Weyerhaeuser) attempted to annotate her copy of the OG Notice of July 12, 2005, to update the fax number for assignment branch. Unfortunately, she erroneously wrote the facsimile number in the space adjacent to the heading "Office of Patent Publication." The notice in question, 1296 OG 76, provided a list of fax numbers for various branches of the Office. The section concerning the fax number

1 See MPEP §710.02(e).

for the Office of Patent Publications (subheading 2) is several paragraphs above the section concerning the fax number for the assignment branch (subheading 5) - on Petitioner's copy of the notice, these two sections appeared on the same page. Ms. Finn crossed out the correct issue fee fax number and wrote the fax number for assignment branch, in it's place, believing that she was writing the number in the section pertaining to assignment branch.

It appears as though this list is used to program the fax numbers into the memory of Petitioner's fax machine. On September 13, 2005, Ms. Finn attempted to transmit form PTOL-85b (with Petitioner's Deposit Account information located thereon) to the Office of Patent Publications, but due to the erroneous entry discussed above, faxed the transmission to the number associated with the assignment branch.

On October 31, 2005, Ms. Finn received a facsimile transmission from the assignment branch, entitled "Notice of Missing Cover Page." It was at that point that Ms. Finn realized the error, corrected her copy of the OG notice, and reprogrammed the fax machine with the correct number.

Considering the facts and circumstances of the delay at issue, as set forth on petition, it is concluded that Petitioner attempted to timely transmit the issue and publication fees, however these items were sent to the wrong facsimile number.

Unfortunately, these are not the only items which were required by the Notice of Allowance and Issue Fee Due - this notice further required a substitute oath or declaration, and it does not appear that this item was transmitted to the Office on September 13, 2005. This item does not appear to be mentioned in paragraph 7 of Ms. Finn's statement of facts. Furthermore, Petitioner has included a copy of the transmittal with this petition, and a substitute oath or declaration has not been located within this submission. It follows that the submission of September 13, 2005 was incomplete, and hence, had the submission been sent to the proper facsimile number, the application would still have gone abandoned.

As such, this petition must be **DISMISSED.**

Any reply must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition Under 37 C.F.R. §1.181". 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].

Petitioner may wish to consider submitting a petition under 37 C.F.R. §§1.137(a) and/or (b). No assurance can be made that any remedy will be forthcoming.

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.

UNITED STATES 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

WEYERHAEUSER COMPANY
INTELLECTUAL PROPERTY DEPT., CH 1J27
P.O. BOX 9777
FEDERAL WAY WA 98063

COPY MAILED

AUG 1 8 2006

OFFICE OF PETITIONS

In re Application of	:	
Donald D. Halabisky	:	
Application No. 10/846,762	:	DECISION ON PETITION
Filed: May 14, 2004	:	UNDER 37 C.F.R. §1.137(B)
Attorney Docket Number:	:	
WEYE122971/25198A	:	
Title: METHOD FOR MAKING AN INSULATING PAPERBOARD	:	

This is a decision on the petition filed July 5, 2006 under 37 C.F.R. §1.137(b)[1], to revive the above-identified application.

The above-identified application became abandoned for failure to submit the issue fee, the publication fee, and a substitute oath or declaration in a timely manner in reply to the Notice of Allowance and Issue Fee Due, mailed June 17, 2005, which set a shortened statutory period for reply of three (3) months. No extensions of time are permitted for transmitting issue or publication fees[2]. Accordingly, the above-identified application

1 A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:
(1) The reply required to the outstanding Office action or notice, unless previously filed;
(2) The petition fee as set forth in § 1.17(m);
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
(4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

2 See MPEP §710.02(e).

became abandoned on September 18, 2005. A notice of abandonment was mailed subsequent to the receipt of this petition on July 11, 2006.

On January 11, 2006, Petitioner submitted a petition under 37 C.F.R. §1.181, along with the issue and publication fees. This petition was dismissed via the mailing of a decision on May 5, 2006.

With the present petition, Petitioner has submitted the petition fee, the proper statement of unintentional delay, and a substitute declaration. A terminal disclaimer is not required.

As such, the petition under 37 C.F.R. §1.137(b) is **GRANTED**.

The Office of Patents Publications will be notified of this decision, for further processing into a patent.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225[3]. The phone number for the Office of Patent Publication is (571) 272-4200.

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

3 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

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

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/846,764	05/14/2004	2661	770	252206-1080	2	11	2

CONFIRMATION NO. 2024

CORRECTED FILING RECEIPT

OC000000013827164

24504
THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
100 GALLERIA PARKWAY, NW
STE 1750
ATLANTA, GA 30339-5948

Date Mailed: 09/17/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Chi Chang, Taipei, TAIWAN;

Power of Attorney: The patent practitioners associated with Customer Number **24504**.

Domestic Priority data as claimed by applicant

Foreign Applications

TAIWAN 092118534 07/07/2003

If Required, Foreign Filing License Granted: 07/19/2004

The number of your priority application, to be used for filing abroad under the Paris Convention is,

US10/846,764

Projected Publication Date: 01/13/2005

Non-Publication Request: No

Early Publication Request: No

Title

Apparatus with multi-lane serial link and method of the same

Preliminary Class

370

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

GRANTED

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

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

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

NOT GRANTED

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

COPY MAILED

SEP 12 2005

OFFICE OF PETITIONS

In re Application of :
Edward A. Hutchins et al :
Application No. 10/846,774 : DECISION GRANTING PETITION
Filed: May 14, 2004 : UNDER 37 CFR 1.137(b)
Attorney Docket No. NVID-P001259 :

This is a decision on the petition under 37 CFR 1.137(b), filed July 11, 2005, to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen month publication country on May 14, 2005. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen month publication country.

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

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

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

required reply from the due date of the reply until the filing of a grantable petition was unintentional.

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

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date of December 22, 2005 accompanies this decision on petition.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3220.

This matter is being referred to Technology Center Art Unit 2676 for examination in due course.

Wan Laymon
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request

UNITED STATES PATENT AND TRADEMARK OFFICE

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

WOLF GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON, MA 02210-2206

COPY MAILED

APR 10 2008

OFFICE OF PETITIONS

In re Application of :
Frederick M. Morgan et al :
Application No. 10/846,775 : ON PETITION
Filed: May 14, 2004 :
Attorney Docket No. C1104.70091US01

This is a decision on the petition, filed April 9, 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 February 21, 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 2821 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

Irvin Dingle
Petitions Examiner
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

AUG 18 2004

Director's Office
Group 3700

David A. Chambers
HUSCH & EPPENBERGER, LLC
190 Carondelet Plaza, Suite 600
St. Louis, Missouri 63105

In re application of
John Bailey

Serial Number: 10/846780
Filed: May 14, 2004

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

For: **WALL FLOW PARTICULATE TRAP SYSTEM**

This is a decision on the petition filed on May 14, 2004, 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/

Richard A. Bertsch
Director
Technology Center 3700
(703) 308-0975

rt: 8/17/04

UNITED STATES PATENT AND TRADEMARK OFFICE

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

PFIZER INC
STEVE T. ZELSON
150 EAST 42ND STREET
5TH FLOOR - STOP 49
NEW YORK, NY 10017-5612

COPY MAILED

OCT 31 2007

OFFICE OF PETITIONS

In re Application of :
Steven Joseph Romano, et al. :
Application No. 10/846,797 : DECISION ON PETITION
Filed: May 14, 2004 :
Attorney Docket No. PC25552A :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 21, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement, mailed September 21, 2006, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on October 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 an election, (2) the petition fee of $1500, and (3) a proper statement of unintentional delay.

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

This application is being referred to Technology Center AU 1623 for appropriate action by the Examiner in the normal course of business on the reply received May 21, 2007.

April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

FRANK MCKENZIE
MACMILLAN SOBANSKI & TODD
SUITE 405
38705 W. SEVEN MILE ROAD
LIVONIA MI 48152

COPY MAILED

AUG 2 5 2004

OFFICE OF PETITIONS

In re Application of :
Joseph Vanselous et al. :
Application No. 10/846,800 : DECISION GRANTING PETITION
Filed: May 14, 2004 :
Attorney Docket No. 81101361 :

This is a decision on the petition filed August 4, 2004, under 37 CFR 1.10 (c), which is treated under 37 CFR 1.10(d), requesting that the above-identified application be accorded a filing date of May 14, 2004, rather than the presently accorded filing date of May 17, 2004.

Petitioner alleges that the application was deposited in Express Mail service on May 14, 2004. Amongst the evidence provided is the Express Mail Customer label and a copy of the USPS Track and Confirm information from the USPS website that indicates express mail package EV452737106US (the same Express Mail number found on the itemized transmittal sheet accompanying the original application papers located in the official file) was en route from Detroit, MI on May 14, 2004.

In view of the evidence present in the file, it is concluded that the correct date of deposit in Express Mail service is May 14, 2004 and therein, the application is entitled to a filing date of May 14, 2004.

It should be noted however that this application is being treated as a petition under 37 CFR 1.10(d) and not 37 CFR 1.10 (c) because the copy of the express mail label does not in fact indicate a "date-in" of May 14, 2004. In fact, the "date-in" section is blank and thus, the package was received by the USPTO on May 17, 2004 and properly given a filing date of May 17, 2004. The error in the filing date was not occasioned by the USPTO and instead it was postal service error. However, in view of the evidence presented, (track and confirm details) the petition is **GRANTED**.

No fees are due and none will be charged.

The application is being returned to Office of Initial Patent Examination for reprocessing with a filing date of May 14, 2004 not May 17, 2004.

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

Mail Date: 04/21/2010

Applicant	: David Laufer	: DECISION ON REQUEST FOR
Patent Number	: 7568853	: RECALCULATION of PATENT
Issue Date	: 08/04/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/846,806	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/13/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1047** 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

Francis A. Cooch
THE JOHN HOPKINS UNIVERSITY
Applied Physics Laboratory
1110 John Hopkins Road
Laurel, MD 20723-6099

COPY MAILED

AUG 12 2005

OFFICE OF PETITIONS

In re Application of :
HAYEK, Carleton S. *et al* :
Application No.: 10/846,819 :
Filing Date: May 14, 2004 :
Docket No.: 1406-DARPA CIP :
For: THREAT IDENTIFICATION IN TIME OF MASS SPECTROMETRY USING MAXIMUM LIKLIHOOD :

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 on May 27, 2005. The petition under 1.137(b) is hereby **GRANTED**.

The above-identified application became abandoned for failure to file a timely and proper reply to the Notice to File Corrected Application Papers ("Notice") mailed July 21, 2004. The Notice required replacement drawings in compliance with 37 CFR 1.84. This Notice set a two (2) month period for reply, with extensions of time obtainable under 37 CFR 1.136(a).

Petitioner submitted replacement drawings and made the required statement of unintentional delay with the subject petition. No terminal disclaimer is required. The petition fee for a small entity under 37 CFR 1.137(b) is $750.00, not $250.00. This fee has been charged to Deposit Account No. 01-2218 as authorized. Accordingly, the petition is granted under 37 CFR1.137(b).

This application is being forwarded to the Office of Initial Patent Examination for continued processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel: 571-272-3302

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

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

Mail Date: 04/21/2010

Applicant	: Patrice A. Weststrate	: DECISION ON REQUEST FOR
Patent Number	: 7654980	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/846,833	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/14/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1660** 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

RYAN KROMHOLZ & MANION, S.C.
POST OFFICE BOX 26618
MILWAUKEE, WI 53226

COPY MAILED

JUN 0 9 2005

OFFICE OF PETITIONS

In re Application of :
John A. Macoviak et al :
Application No. 10/846,850 : DECISION ON PETITION
Filed: May 14, 2004 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 9542.18428-CIP 1 : AND UNDER 37 CFR 1.78(a)(6)

This is a decision on the petitions filed November 12, 2004, which is being treated as petitions under 37 CFR under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), to accept an unintentionally delayed claim under 35 U.S.C. §§ 120, 356(c) and 119(e) for the benefit of the prior-filed applications.

The petition is **DISMISSED**.

A petition 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 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 information where there is a question whether the delay was unintentional.

The amendment submitted concurrently with the instant petition as drafted is unacceptable and, therefore, is not considered a proper reference under 37 CFR 1.78(a)(2)(i) and 1.78(a)(5)(i). In this regard, the amendment is physically part of the instant petition and, as such, does not comply with 37 CFR 1.121, 1.52, or 1.4(c). Note that 37 CFR 1.121 states that amendments are made by filing a paper, in compliance with § 1.52, directing that specified amendments be made. The

pertinent section of 37 CFR 1.52 states that the claim (in this case, the claim for priority), must commence on a separate physical sheet. 37 CFR 1.4(c) states that each distinct subject must be contained in a separate paper since different matters may be considered by different branches of the United States Patent and Trademark Office.

A reference to add the above-noted, prior-filed applications on page one following the first sentence of the specification has been included in the concurrently filed amendment. Additionally, the amendment is not acceptable since it improperly incorporates by reference the prior-filed applications. Petitioner's attention is directed to Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980), where the court drew a distinction between a permissible 35 U.S.C. § 120 statement and the impermissible introduction of new matter by way of incorporation by reference in a 35 U.S.C. § 120 statement. The court specifically stated:

> Section 120 merely provides a mechanism whereby an application becomes entitled to benefit of the filing date of an earlier application disclosing the same subject matter. Common subject matter must be disclosed, in both applications, either specifically or by an express incorporation-by-reference of prior disclosed subject matter. Nothing in section 120 itself operates to carry forward any disclosure from an earlier application. In re deSeversky, supra at 674, 177 USPQ at 146-147. Section 120 contains no magical disclosure-augmenting powers able to pierce new matter barriers. It cannot, therefore, "limit" the absolute and express prohibition against new matter contained in section 251.

In order for the incorporation by reference statement to be effective as a proper safeguard against the omission of a portion of a prior application, the incorporation by reference statement must be included in the specification-as-filed, or in an amendment specifically referred to in an oath or declaration executing the application. See In re deSeversky, supra. Note also MPEP 201.06(c).

Accordingly, before the petition under 37 CFR 1.78(a)(3) and 1.78(a)(6) can be granted, a substitute amendment[1] correcting the above matters, along with a renewed petition under 37 §§ CFR 1.78(a)(3) and 1.78(a)(6), is required.

---

[1] Note 37 CFR 1.121

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

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MORRISON & FOERSTER, LLP
425 MARKET STREET
SAN FRANCISCO, CA 94105-2482

COPY MAILED

FEB 1 1 2008

OFFICE OF PETITIONS

In re Application of :
MISCIONE, et al. :
Application No. 10/846,864 : DECISION ON PETITION
Filed: May 13, 2004 : TO WITHDRAW
Attorney Docket No. **8238.008.CPUS00** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 12, 2007.

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

A review of the file record indicates that the power of attorney to **MORRISON & FOERSTER, LLP** has been revoked and re-appointed by the assignee of the patent application on September 25, 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: **SAN FRANCISCO OFFICE OF**
NOVAK, DRUCE & QUIGG LLP
1000 LOUISIANA STREET, FIFTY-THIRD FLOOR
HOUSTON TX 77002

UNITED STATES PATENT AND TRADEMARK OFFICE

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

WESLEY LANG
#850
50 SOUTH MAIN
SALT LAKE CITY UT 84144

COPY MAILED

FEB 20 2008

OFFICE OF PETITIONS
ON PETITION

In re Application of :
Dan Storey et al :
Application No. 10/846,881 :
Filed: May 13, 2004 :
Attorney Docket No. 2202.STOR.NP :

This is a decision on the petition under 37 CFR 1.137(b), filed January 22, 2008 to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** 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 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 lack(s) item(s) (2) above.

The check submitted with the petition on January 22, 2008 was returned due to insufficient funds.

---

[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.

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) 273-8300
ATTN: Office of Petitions

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

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

WESLEY LANG
#850
50 SOUTH MAIN
SALT LAKE CITY UT 84144

COPY MAILED

AUG 2 1 2008

In re Application of :
Dan Storey et al :
Application No. 10/846,881 : ON PETITION
Filed: May 13, 2004 :
Attorney Docket No. 2202.STOR.NP :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed April 21, 2008, to revive the above-identified application.

The petition is **DISMISSED.**

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

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

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 February 27, 2007, which set a shortened statutory period for reply of three (3) months. A reply under 37 CFR 1.113 is limited to an amendment that *prima facie* places the application in condition for allowance or a Notice of Appeal (and appeal fee required by 37 CFR 1.17(b)). No amendment *prima facie* placing the application in condition for allowance or Notice of Appeal (and appeal fee) was timely filed. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on May 28, 2007.

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 facsimile: (571) 272-8300
ATTN: Office of Petitions

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

Karen Creasy
Petitions Examiner
Office of Petitions

Attachment: Advisory Action

Advisory Action Before the Filing of an Appeal Brief	**Application No.** 10/846,881	**Applicant(s)** STOREY ET AL.	
	Examiner Robert C. Watson	**Art Unit** 3723	

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

THE REPLY FILED 20 August 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: *See Continuation Sheet*. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: _____.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:

    _____
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☒ Other: See Continuation Sheet.

/Robert C. Watson/
Primary Examiner, Art Unit 3723

Continuation of 3. NOTE: Because the 2/27/07 indication of allowability was made prior to the PTO implementation of the new standard of patentability under the "KSR" case, at least the independent claims are now considered to be unpatenable and would require further consideration and search.

Continuation of 13. Other: In order to give further consideration and search under the new "KSR" standard of patentablity to the proposed claims applicant should file an RCE.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

WESLEY LANG
#850
50 SOUTH MAIN
SALT LAKE CITY UT 84144

COPY MAILED
DEC 17 2008

In re Application of
Dan Storey et al
Application No. 10/846,881
Filed: May 13, 2004
Attorney Docket No. 2202.STOR.NP

DECISION ON PETITION

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed October 24, 2008, 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 to the final rejection mailed February 27, 2007, is accepted as having been unintentionally delayed.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

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

This application is being referred to Technology Center AU 3723 for appropriate action by the Examiner in the normal course of business on the reply received October 24, 2008.

Karen Creasy
Petitions Examiner
Office of Petitions

cc:
POWELL & LANG, LC
721 N. 100 E.
KAYSVILLE, UT 84037

UNITED STATES PATENT AND TRADEMARK OFFICE

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

GERALD T. SEKIMURA
DLA PIPER US LLP
153 TOWNSEND STREET
SUITE 800
SAN FRANCISCO, CA 94107-1957

MAILED

JUN 0 1 2009

OFFICE OF PETITIONS

In re Application of	:	
Rick Huffman	:	DECISION ON PETITION
Application No. 10/846,883	:	TO WITHDRAW
Filed: May 14, 2004	:	FROM RECORD
Attorney Docket No. PDT-200	:	

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 14, 2006.

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

A review of the file record indicates that on July 26, 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: SF Bay Area Patents, LLC
Attn: Andrew V. Smith, Ph.D.
601 Van Ness Avenue, #1108
San Francisco CA 94102

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COPY MAILED

SEP 21 2005

OFFICE OF PETITIONS

FELDMAN GALE, PA
MIAMI CENTER, 19TH FLOOR
201 S. BISCAYNE BOULEVARD
MIAMI, FL 33313-4332

In re Application of
SMITH et al.
Application No.: 10/846,898
Attorney Docket No.: SYN-066 D

: DECISION on PETITION
:
: UNDER 37 CFR 1.137(b)
:

This is a decision on the petition under 37 CFR 1.137(b), filed May 10, 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 Notice to File Missing Parts, mailed July 20, 2004. Extensions of time under the provisions of 37 CFR 1.136(a) were available. Accordingly, by operation of law, the above-identified application became abandoned on September 20, 2004. A Notice of Abandonment was mailed on April 13, 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 declaration; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of Missing Parts mailed on July 20, 2004 is accepted as having been unintentionally delayed.

The application is being referred to Office of Initial Patent Examination.

Telephone inquiries concerning this decision should be directed to Cynthia Kratz at (571) 272-3286 or in her absence, the undersigned at (571) 272-3217.

Brian Hearn
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

MAYBACK & HOFFMAN, P.A.
5722 S. FLAMINGO ROAD #232
FORT LAUDERDALE FL 33330

COPY MAILED

MAY 0 2 2008

OFFICE OF PETITIONS

In re Application of :
Kevin W. Smith et al :
Application No. 10/846,898 : DECISION ON REQUEST
Filed: May 13, 2004 :
Attorney Docket No. SYN-066D :

This is a decision on the Request for Refund filed April 11, 2008.

The request is **DISMISSED**.

This application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts (Notice), mailed July 20, 2004. The Notice set a period for reply of Two (2) Months. No reply having been received, the application became abandoned on September 21, 2004. The Office mailed a Notice of Abandonment on April 13, 2005. Applicant filed a petition to revive under 37 CFR 1.137(b) on May 10, 2005. The petition was granted on September 21, 2005.

On March 17, 2008, the Office mailed a Notice entitled: "Withdrawal Of Previously Sent Notice" stating that the "Notice of Abandonment mailed on April 13, 2005, was sent in error and is hereby withdrawn." However, the Office erred in mailing the Notice of March 17, 2008, since the application was properly abandoned on September 21, 2004.

Further, it is noted that the phrase "[o]n filing" in 35 U.S.C. 41(a) (7) means that the petition fee is required for the filing (and not merely the grant) of a petition under 37 CFR 1.137. See H.R. Rep. No. 542, 97th Cong., 2d Sess. 6 (1982), reprinted in 1982 U.S.C.C.A.N. 770 ("[t]he fees set forth in this section are due on filing the petition"). Therefore, the Office: (A) will not refund the petition fee required by 37 CFR 1.17(1) or 1.17(m), regardless of whether the petition under 37 CFR 1.137 is dismissed or denied; and (B) will not reach the merits of any petition under 37 CFR 1.137 lacking the requisite petition fee. MPEP 711.03(c) (III) (B).

The Office sincerely apologizes for the error in the mailing of the Notice on March 17, 2008.

Telephone inquiries concerning this decision should 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

Keith S. Bergman
Attorney At Law
7 South Howard Street, Suite 418
Spokane, WA 92201-3898

COPY MAILED

JUL 2 8 2006

OFFICE OF PETITIONS

In re Application of :
David J. KINDRED :
Application No. 10/846,909 : DECISION ON PETITION
Filed: May 17,2004 : TO WITHDRAW
Attorney Docket No. KINDRED, David J. : 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 30, 2005.

The request is **APPROVED**.

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

The request was signed by Keith S. Bergman on behalf of all attorneys of record who are associated with customer No. 23427.

All attorneys/agents associated with the Customer Number 23427 have been withdrawn.

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

All future correspondence will be directed to the first named inventor David J. Kendred at the address indicated below.

Telephone inquiries concerning this decision should be directed to Monica Graves at 571-272-7253.

David Bucei
Petitions Examiner
Office of Petitions

cc: David J. Kindred
1219 South Pierce
Spokane, WA 99206

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Carlos Nieves, Esq.
J.M. Huber Corporation
Law Department
333 Thornall Street
Edison NJ 08837

COPY MAILED

JAN 29 2010

In re Application of :
Louis D. Walsh et al. :
Application No. 10/846,914 : DECISION ON PETITION
Filed: May 17, 2004 :
Attorney Docket No. 04-300 :

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

The petition is **DISMISSED.**

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

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, December 15, 2008, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on March 16, 2009.

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 Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d). The instant petition lacks item (3).

Petitioner asserts that a response was timely filed in the instant application but through error on their part filed papers meant for a different application. The record shows an EFS Acknowledgement receipt for a document described essentially as an amendment after a non-final rejection. There is an annotation in the file that this response belongs in application 11/646,153 and these papers were apparently moved over to and entered into that application. Petitioner takes the position that since the Office realized that the papers filed in the instant application were improper for this file and were moved to the proper application file but did not inform applicants of this, applicants were left unaware that there was now no response to the non-final Office action of December 15, 2008 and thus abandonment was unavoidable on their part. Petitioner asserts that the Office should had sent a Notice to applicants noting the mistaken submission so that the error could have been easily remedied on their part.

The showing is not convincing of unavoidable delay.

MPEP 710.01 reads in part:

> 37 CFR 1.135(c) now authorizes the examiner to accept a reply to a non-final Office action that is bona fide and is substantially complete but for an inadvertent omission as an adequate reply to avoid abandonment under 35 U.S.C. 133 and 37 CFR 1.135. When a bona fide attempt to reply includes an inadvertent omission that precludes action on the merits of the application (e.g., an amendment is unsigned or improperly signed, or presents an amendment with additional claims so as to require additional fees pursuant to 37 CFR 1.16), the examiner may consider that reply adequate to avoid abandonment under 35 U.S.C. 133 and 37 CFR 1.135, and give the applicant a shortened statutory time period of 1 month to correct the omission (e.g ., provide a duplicate paper or ratification, or submit the additional claims fees or cancel the claims so that no fee is due).

The response filed on March 6, 2009 was in its entirety a response meant for another application with only the EFS Acknowledgement Receipt showing the correct application number. Therefore the response was not "substantially complete" and thus not subject to any notice from the examiner. Additionally, it is Office policy that where the Office can determine the correct application file that the papers were actually intended for, based on identifying information in the heading of the papers (e.g., application number, filing date, title of the invention and inventor(s) name(s)), the Office will transfer the papers to the correct application file . See MPEP 724.05 III. What system was in place to review papers before they are filed to insure the proper papers are in fact being filed?

It was petitioner's responsibility to make sure a proper response was timely filed in the application. Why did petitioner fail to review the submitted papers before the filing of the papers?

If petitioner cannot provide the evidence necessary to establish unavoidable delay, or simply does not wish to, petitioner may wish to consider filing a petition stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of the issue fee was "unavoidable." This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b). An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the $1,620 petition fee.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

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

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

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

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

Telephone inquiries concerning this decision should be directed to Carl Friedman at (571) 272-6842.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

CARLOS NIEVES, ESQ.
J.M. HUBER CORPORATION
LAW DEPARTMENT
333 THORNALL STREET
EDISON, NJ 08837

MAILED

JUN 09 2010

OFFICE OF PETITIONS

In re Application of
Louis D. Walsh, et al.
Application No. 10/846,914
Filed: May 17, 2004
Attorney Docket No.: 04-300

ON PETITION

This is a decision in response to the petition, filed March 26, 2010, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, December 15, 2008, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on March 16, 2009. A Notice of Abandonment was mailed on June 26, 2009. On March 26, 2010, the present petition was filed.

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

It is noted that the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

The application is being referred to Technology Center AU 1796 for appropriate action in the normal course of business on the reply received March 26, 2010.

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

cc: WILLIAM S. PARKS
WYATT, TARRANT & COMBS, LLP
1715 AARON BRENNER DRIVE
MEMPHIS, TN 38120-4367

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JJGJr : 12-07

CATHRYN CAMPBELL
MCDERMOTT, WILL & EMERY
SUITE 700
4370 LA JOLLA VILLAGE DRIVE
SAN DIEGO CA 92122

COPY MAILED

FEB 29 2008

In re Application of :
Trip, et al. :
Application No. 10/846,948 : DECISION
Filed: 14 May, 2004 :
Attorney Docket No. 62114-080 :

This is a decision on the papers submitted on 9 June, 2005, and considered as a request to withdraw the holding of abandonment under 37 C.F.R. §1.181.

The Office regrets the delay in addressing this matter, however, the petition was presented to the attorneys in the Office of Petitions only at this writing.

The petition as considered under 37 C.F.R. §1.181 is **DISMISSED**.

NOTES: Any petition (and fee) for reconsideration of this decision must be submitted within two (2) months from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 C.F.R. §1.181."

BACKGROUND

The record reflects that:

- Applicant, failed to reply timely and properly to the Notice of Missing Parts mailed on 20 July, 2004, with reply due absent an extension of time on or before 20 September, 2004;

- the application went abandoned after midnight 20 September, 2004;

- on 9 June, 2005, Petitioner submitted to the Office of Initial Patent Examination (OIPE) via FAX copies of documents purporting to be a previously-filed response to the Notice of Missing Parts, however, Petitioner filed no petition in this regard, nor did Petitioner submit the supporting documentation that should accompany papers averred to have submitted under the provisions of 37 C.F.R. §1.8 as provided in the guidance at the Commentary in MPEP §711.03(c), to wit (in pertinent part:

> 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 CFR 37 C.F.R. §1.8).

Therefore, in the absence of the statement(s) required, Petitioner has not satisfied the showing requirements under the regulation.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

Out of an abundance of caution, Petitioners always are reminded that the filing of a petition under 37 C.F.R. §1.181 does not toll any periods that may be running any action by the Office and a petition seeking relief under the regulation must be filed within two (2) months of the act complained of (see: 37 C.F.R. §1.181(f)), and that those registered to practice and all others who make representations before the Office are reminded to inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[1]

---

[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

STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).[2] The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority.

The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition.[4]

Delays in responding properly raise the question whether delays are unavoidable.[3] Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a).[4]

And the Petitioner must be diligent in attending to the matter.[5] Failure to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care.

(By contrast, unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.[6]))

---

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] See: *Changes to Patent Practice and Procedure*; *Final Rule Notice*, 62 *Fed. Reg.* at 53158-59 (October 10, 1997), 1203 *Off. Gaz. Pat. Office* at 86-87 (October 21, 1997).

[4] See: In re Application of G, 11 USPQ2d 1378, 1380 (Comm'r Pats. 1989).

[5] See: Diligence in Filing Petitions to Revive and Petitions to Withdraw the Holding of Abandonment, 1124 Off. Gaz. Pat. Office 33 (March 19, 1991). It was and is Petitioner's burden to exercise diligence in seeking either to have the holding of abandonment withdrawn or the application revived. See 1124 Off. Gaz. Pat. Office supra.

[6] Therefore, by example, an unintentional delay in the reply might occur if the reply and transmittal form are to be prepared for shipment by the US Postal Service, but other pressing matters distract one's attention and the mail is not timely deposited for shipment.

Allegations as to 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.[7] (See, also, the commentary at MPEP §711.03(c)(I)(A) and (B).)

And the regulation requires that relief be sought within two (2) months of the act complained of.

Petitioner appears not to have satisfied showing requirement herein as discussed in the BACKGROUND, above (to wit: the statements made on personal knowledge).

CONCLUSION

Petitioner appears not to have satisfied the burdens herein, and the petition as considered under 37 C.F.R. §1.181 is **dismissed**.

ALTERNATIVE VENUE

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

By FAX: IFW Formal Filings
(571) 273-8300
ATTN.: Office of Petitions

[7] See: Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971).

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

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[8]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

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

[8] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

CATHRYN CAMPBELL
MCDERMOTT, WILL & EMERY
SUITE 700
4370 LA JOLLA VILLAGE DRIVE
SAN DIEGO CA 92122

COPY MAILED

DEC 0 1 2008

OFFICE OF PETITIONS

In re Application of :
Tripp, et al. :
Application No. 10/846,948 : DECISION
Filed: 14 May, 2004 :
Attorney Docket No. 62114-080 :

This is a decision on the petition, filed on 10 September, 2008, considered as a petition under 37 C.F.R. §1.137(b) to revive the application as having been abandoned due to unintentional delay.

The petition under 37 C.F.R. §1.137(b) is **GRANTED**.

As to Allegations of
Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee. (However, it does not appear that a terminal disclaimer and fee are due here.)

BACKGROUND

The record reflects that:

Applicant, failed to reply timely and properly to the Notice of Missing Parts mailed on 20 July, 2004, with reply due absent an extension of time on or before 20 September, 2004.

The application went abandoned after midnight 20 September, 2004.

The Office mailed the Notice of Abandonment on 13 April, 2005.

On 9 June, 2005, Petitioners Simona A. Levi-Minzi (Reg. No. 43,750) and Angelo Mignanelli submitted to the Office of Initial Patent Examination (OIPE) via FAX copies of documents purporting to be a previously-filed response to the Notice of Missing Parts, however, Petitioner filed no petition in this regard, nor did Petitioner submit the supporting documentation that should accompany papers averred to have submitted under the provisions of 37 C.F.R. §1.8 as provided in the guidance at the Commentary in MPEP §711.03(c), to wit (in pertinent part):

> 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 CFR 37 C.F.R. §1.8).

Moreover, the record is silent as to any action taken by Petitioner to bring the matter to the attention of the Office between June of 2005 and the time at which the papers were found in the record and forwarded to the Office of Petitions in 2008 for consideration as a petition to withdraw the holding of abandonment under 37 C.F.R. §1.181.

Reflecting upon the absence of the statement(s) required, Petitioner did not satisfy the showing requirements under the regulation—and the petition considered from the papers submitted on 9 June, 2005, was dismissed on 29 February, 2008.

On 10 September, 2008, Petitioner filed the instant petition with fee under 37 C.F.R. §1.137(b) averring unintentional delay, resubmitted the reply in the form oath/declaration and fees due—expressly reauthorized by Petitioner Toby H. Kusmer (Reg. No. 26,418)—and provided declarations in support of the averment of unintentional delay.

The record (including the petitions filed on 9 June, 2005, and 10 September, 2008) does not necessitate a finding that the delay between midnight 20 September, 2004 (the date of abandonment), and 10 September, 2008 (the date of filing of grantable petition), was not unintentional.

Rather, the Patent and Trademark Office is relying in this matter on the duty of candor and good faith of Petitioners with those providing statements (Angelo Mignanelli, Matthew L. Tripp, and

Atabak Royaee) and Counsel Toby H. Kusmer (Reg. No. 26,418) when accepting Petitioners' representation that the delay in filing the response was unintentional.[1]

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office are reminded to inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[2]

STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).[3] The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority.

Unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.[4]))

As to Allegations of Unintentional Delay

The requirements under 37 C.F.R. §1.137(b) have been satisfied.

---

[1] *See:* Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing the statement required by 37 C.F.R. §1.137(b) to the Patent and Trademark Office).

[2] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

[3] 35 U.S.C. §133 provides:

35 U.S.C. §133 Time for prosecuting application.

Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Commissioner in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable.

[4] Therefore, by example, an unintentional delay in the reply might occur if the reply and transmittal form are to be prepared for shipment by the US Postal Service, but other pressing matters distract one's attention and the mail is not timely deposited for shipment.

CONCLUSION

Accordingly, The petition under 37 C.F.R. §1.137(b) is **granted**.

The instant application is released to the Office of Patent Applications Processing (OPAP) to be processed into a patent in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the OPAP in response to this decision. It is noted that all inquiries with regard to that change in status need be directed to the OPAP where that change of status must be effected—that does not occur in the Office of Petitions.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[5]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

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

---

[5] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

3-29-07

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.: 7,163,035 B2
Inventor(s): Abdul Wahld Khan
Issue Date: 10/846,959
Title: AUTOMOATED USE OF A VISION SYSTEM TO DETECT FOREIGN MATTER IN RECONSTITUTED DRUGS BEFORE TRANSFER TO A SYRINGE

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.

Respecting the alleged error the omission of inventors' names, the inventors are printed in accordance with the Declaration submitted at the time of filing the application. Therefore, no correction is in order here under Rules 1.322 or 1.323.

However, your attention is directed to C.F.R. 1.324, wherein a request is being made to add or delete inventor(s), after issuance of the patent.

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

Any petition under 37 CFR 1.324(required fee currently $130) should be directed to the attention of the Assistant Commissioner for Patents, using the following mailing address or FAX number.

By Mail: Commissioner of Patents and Trademarks
Technology Center 1733/Examiner M. Tolin
Washington, D.C. 20231

Eva James
For Cecelia Newman
Decisions & Certificates
of Correction Branch
(703) 308-9390 ext. 124 or 102

ej

Melanie Gover
Office of Intellectual Property Counsel
3M Innovative Properties Company
P.O. Box 33427
St. Paul, MN 55133-3427

eJ
~~AJ~~

United States
Patent And
Trademark Office

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

PETITION DECISION

09/24/04

Eric L. Prahl
Wilmer Cutler Pickering Hale and Dorr LLP
60 State Street
Boston, MA 02109

Dear Applicant:

The Box PG Pub replacement drawings for application number 10/846961 received on 08/16/04 by the U. S. Patent and Trademark Office will be included for patent publication.

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

Kaletus King

Signature of Reviewer, Office of Pre-Grant Publication

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No.

Seattle Genetics/Fenwick
Silicon Valley Center
801 California Street
Mountain View CA 94041

MAILED

FEB 02 2009

OFFICE OF PETITIONS

In re Application of :
Siegall et al. :
Application No. 10/846,981 : ON APPLICATION FOR
Filed: May 14, 2004 : PATENT TERM ADJUSTMENT
Atty Docket No. SGEN-0041/0040: -00141US :

This is in response to the REQUEST FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. §1.705(b) filed December 9, 2008. Applicant requests that the determination of patent term adjustment be corrected from four hundred forty-eight (448) days to, at minimum, one thousand one hundred twenty-eight (1128) days. Referring to Wyeth v. Dudas, No. 07-1492 (D.D.C. September 30, 2008), applicant requests this correction on the basis that the Office will take in excess of three years to issue this patent[1].

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, 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).

Applicant is given TWO (2) MONTHS from the issue date of the patent to file a written request for reconsideration of the patent term adjustment for Office failure to issue the patent within 3 years. A copy of this decision should accompany the request. Applicant may seek such consideration without payment

[1] Applicant asserts this calculation on the basis of a projected issuance date of March 24, 2009.

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.

Rather than file the request for reconsideration of Patent Term Adjustment 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 pursuant to 37 CFR 1.705(d). The USPTO notes that it does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent and accordingly, 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.

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application is being forwarded to the Office of Data Management for issuance of the patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No.

Seattle Genetics/Fenwick
Silicon Valley Center
801 California Street
Mountain View CA 94041

MAILED

JUN 2 2 2010

OFFICE OF PETITIONS

In re Patent No. 7,498,032	:	DECISION ON REQUEST
Siegall et al.	:	FOR RECONSIDERATION OF
Issue Date: March 3, 2009	:	PATENT TERM ADJUSTMENT
Application No. 10/846,981	:	and
Filed: May 14, 2004	:	NOTICE OF INTENT TO ISSUE
Atty Docket No. SGEN-0041/0040 -00141US	:	CERTIFICATE OF CORRECTION

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. §1.705(d)" filed April 28, 2009, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by one thousand one hundred seven (1107) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by one thousand one hundred seven (1107) days is **GRANTED**.

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e) on request for reconsideration of patent term adjustment filed December 9, 2008. No additional fees are required.

The application is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by one thousand one hundred seven (1107) 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 : 7,498,032 B2

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

INVENTOR(S) : Siegall 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 564 days

Delete the phrase "by 564 days" and insert – by 1107 days--

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 03-21-08

TO SPE OF : ART UNIT 1791

SUBJECT : Request for Certificate of Correction for Appl. No.: **10/846994** Patent No.: **7144844**

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: Corrects typographical errors

SPE 1791 Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

COPY MAILED

SEP 19 2007

OFFICE OF PETITIONS

In re Application of	:	
Yu, Sun	:	
Application No. 10/847,015	:	ON PETITION
Filed: May 17, 2004	:	
Attorney Docket No. ZDC-16502/03	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed February 1, 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 (submitted on June 22, 2007); (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the response has been accepted as having been unintentionally delayed.

This matter is being referred to Technology Center 1700 for further examination on the merits.

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

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

COPY MAILED

JUL 17 2008

OFFICE OF PETITIONS

In re Application of :
Yu, Sun :
Application No. 10/847,015 : ON PETITION
Filed: May 17, 2004 :
Attorney Docket No. ZDC-16502/03 :

CORRECTED DECISION

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed February 1, 2007, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

This application became abandoned for failure to timely and properly reply to the final Office action mailed July 11, 2006. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, this application became abandoned on October 12, 2006. A Notice of Abandonment was mailed June 29, 2007.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:
(1) the required reply,[1]
(2) the petition fee,
(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, and
(4) a terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information.[2]

---

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

[2] See MPEP 711.03(c)(III)(C) and (D).

The instant petition lacks item(s) (1). The Amendment submitted to the Examiner on September 11, 2006 failed to place the above-identified application in prima facie condition for allowance. A proper reply to a final rejection under 37 CFR 1.113 may be: (1) an amendment, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee); or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. Petitioner must submit one of the above documents in order to revive the above-identified application.

The Advisory Action previously issued by the Examiner on June 22, 2007 is enclosed.

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

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

By hand: Customer Window located at:

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

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

Any questions concerning this matter may be directed to the undersigned at (571) 272-3206.

Liana Walsh
Petitions Examiner
Office of Petitions

Enclosure: Advisory Action

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/847,015	Applicant(s) YU, SUN	
	Examiner Tamra L. Dicus	Art Unit 1774	

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

THE REPLY FILED 11 September 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: 1-10.
   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: _____.

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments are not found convincing. All of the applied prior art is in the same field of endeavor, namely appliques and tattoos, despite Applicant's arguments that they are not. Applicant argues that Carroll teaches the ink applied to skin and not the tattoo. However, Moore, the primary reference already teaches the ink layer on the pape of the tattoo. Carroll, applied as a secondary reference, was only used to teach th ink composition, providing the motivation set forth in the action. Thus, the rejections are sustained for reasons of record.

It is noted that applicant's patent applicant is abandoned, however, applicant has filed a petition under 37 CFR 1.137(b) requesting that the application be revived. Upon granting of the petition by the Office of Petitions, the examiner will consider a subsequent response to this advisory action.

RENA DYE
SUPERVISORY PATENT EXAMINER
AU 1724

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COPY MAILED

JUL 27 2007

OFFICE OF PETITIONS

JOSEPH BACH
17460 LAKEVIEW DRIVE
MORGAN HILL, CA 95037

In re Application of :
Shin-Hung Chang, et al. :
Application No. 10/847,051 : DECISION ON PETITION
Filed: May 16, 2007 : TO WITHDRAW
Attorney Docket No. NO139/PP/HH : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed February 22, 2007.

The request is **NOT APPROVED**.

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 undersigned at 571-272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: RAYMOND J. Ho
VENABLE, LLP
575 7TH STREET NW
WASHINGTON, DC 20004-1601

UNITED STATES PATENT AND TRADEMARK OFFICE

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

SEP 14 2004

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

In re Application of	:
Richard B. Williams	:
Serial No.: 10/847,087	: PETITION TO MAKE SPECIAL
Filed: May 17, 2004	:
Attorney Docket No.: PRONOV.001CP3	:

This is in response to the petition filed May 17, 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, XII. Therefor the petition is **GRANTED**.

Should there be any questions with regard to this letter please contact William R. Dixon, Jr. by letter addressed to the Director, Technology Center 1600, P.O. Box 1450, Alexandria, VA 22313-1450, or by telephone at 571-272-0519 or by facsimile transmission at 703-872-9306.

William R. Dixon, Jr.
Special Program Examiner
Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JOSEPH BACH
17460 LAKEVIEW DRIVE
MORGAN HILL, CA 95037

COPY MAILED

JUN 20 2007

OFFICE OF PETITIONS

In re Application of

LI, Sai-Ping et al.
Application No. 10/847,094
Filed: May 16, 2004
Attorney Docket No. **N0138/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 below-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272- 4231.

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **VENABLE LLP**
RAYMOND J. HO
575 7TH STREET NW
WASHINGTON, DC 20004-1601

23 MAY 2003

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

OIPE
AUG 04 2004
PATENT & TRADEMARK OFFICE

Joann Villamizar
540 White Plains Road
PO Box 2005
Tarrytown NY 10591-9005

Fax/ dlw

In re Application of	:	DECISION ON RENEWED
LEPPARD et al.	:	
Application No.: 09/856,769	:	PETITION UNDER
PCT No.: PCT/EP99/08968	:	
Int. Filing Date: 20 November 1999	:	37 CFR 1.47(a)
Priority Date: 30 November 1998	:	
Attorney Docket No.: A-21884/A/PCT	:	
For: PROCESS FOR THE PREPARATION OF ACYLPHOSPHINES, ACYL OXIDES AND ACYL SULFIDES	:	

Granted

This is a decision on applicants' "RENEWED PETITION UNDER RULE 1.47(a)" filed in the United States Patent and Trademark Office (USPTO) on 09 December 2002.

BACKGROUND

On 20 November 1999, applicants filed international application PCT/EP99/08968, which claimed a priority date of 30 November 1998. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 08 June 2000. A Demand for international preliminary examination, in which the United States was elected, was filed on 30 May 2000, within nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 30 May 2001.

On 24 May 2001, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, *inter alia*, the requisite basic filing fee and a copy of the international application.

On 05 July 2001, the USPTO mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(e) for providing the oath or declaration later than thirty months from the priority date were required. The NOTIFICATION set a two-month extendable period for reply.

On 14 January 2002, applicants submitted a petition under 37 CFR 1.47(a), which was

Col2-21884/A/PCT

accompanied by, *inter alia*: a petition/fee for a four-month extension of time; the surcharge under 37 CFR 1.492(e); a pair of declarations of inventors which together were executed by all of the inventors except Rene Kaeser; a declaration of facts by Hans-Peter Wittlin; and the requisite petition fee.

On 10 May 2002, the USPTO mailed a decision dismissing applicants' petition under 37 CFR 1.47(a). Specifically, it was noted that the declaration of Mr. Wittlin stated that there was an express oral refusal to sign the declaration but Mr. Wittlin was not present when this oral refusal was made. It was also noted that it was not clear whether the documents sent to the non-signing inventor included the specification, drawings, and claims.

On 09 December 2002, applicants submitted the instant "RENEWED PETITION UNDER RULE 1.47(a)", which was accompanied by, *inter alia*, a second declaration of facts by Hans-Peter Wittlin, a copy of a letter sent by Mr. Wittlin to Mr. Kaeser, and an English translation of the letter sent by Mr. Wittlin to Mr. Kaeser.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(h); (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the missing inventor; and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

The decision mailed 10 May 2002 indicated that items (1), (3) and (4) had been met. The decision mailed 10 May 2002 also indicated item (2) had not been met regarding the non-signing joint inventor Mr. Kaeser. The steps enumerated in the further declaration of facts by Mr. Wittlin and the translation of the letter sent by Mr. Wittlin to Mr. Kaeser submitted 09 December 2002 are sufficient to establish that Mr. Kaeser refuses to execute the application and that Mr. Kaeser was presented with a copy of the application including the specification, drawings, and claims.

CONCLUSION

For the reasons set forth above, applicants' renewed petition under 37 CFR 1.47(a) is **GRANTED**.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded

to the non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including the accordation of a 35 U.S.C. 371(c) date of **14 January 2002**.

Daniel Stemmer
PCT Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (703) 308-2066
Facsimile: (703) 308-6459

UNITED STATES 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

CIBA SPECIALTY CHEMICALS
CORPORATION
PATENT DEPARTMENT
540 WHITE PLAINS RD
P O BOX 2005
TARRYTOWN NY 10591-9005

COPY MAILED

SEP 0 7 2004

OFFICE OF PETITIONS

In re Application of :
David George Leppard, Eugen :
Eichenberger, Rene Kaeser, Gebhard Hug, :
and Urs Schwendimann :
Application No. 10/847,095 : DECISION ON PETITION
Filed: May 17, 2004 :
Attorney Docket No. CO/2-21884/A/DIV :
Title: PROCESS FOR THE :
PREPARATION OF ACYLPHOSPHINES, :
ACYL OXIDES AND ACYL SULFIDES :

This is in response to the petition under 37 C.F.R. §1.47(a)[1], filed August 4, 2004.

On May 17, 2004, the application was deposited, identifying David George Leppard, Eugen Eichenberger, Rene Kaeser, Gebhard Hug, and Urs Schwendimann as joint inventors. The application was deposited without a fully executed oath or declaration[2].

---

[1]A 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.

2 Joint inventor Kaeser did not execute the declaration.

On July 22, 2004, the Office mailed a Notice to File Missing Parts of Nonprovisional Application – Filing Date Granted (Notice), requiring an executed oath or declaration along with the $130 surcharge associated with the late filing of an oath or declaration. The notice set a two-month period for response.

The instant application is a divisional of parent application 09/856,769. On January 14, 2002, petitioner filed a petition under 37 C.F.R. §1.47(a) to accept the declaration without the signature of joint inventor Kaeser. On May 10, 2002, this petition was dismissed via the mailing of a decision. On December 9, 2002, a renewed petition was filed, and on May 27, 2003, a decision was mailed which accorded Rule 47(a) status to application number 09/856,769.

On August 4, 2004, petitioner submitted a copy of the declaration[3], the instant petition, the petition fee and associated surcharge, a copy of the 1.47(a) petition (renewed) filed with parent application 09/856,769, copies of letters, and a copy of the decision mailed May 27, 2003.

37 C.F.R. 1.63(d)(3) sets forth:

(3) 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 37 C.F. R. §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 37 C.F. R. §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 37 C.F. R. §1.47 of which the continuation or divisional application claims a benefit under 35 U.S.C. §§120, 121, or 365(c); and
(ii) If one or more inventor(s) or legal representative(s) who refused to join in the prior application or could not be found or reached has subsequently joined in the prior application or another application of which the continuation or divisional application claims a benefit under 35 U.S.C. §§120, 121, or 365(c), a copy of the subsequently executed oath(s) or declaration(s) filed by the inventor or legal representative to join in the application.

MPEP 201.06(c) sets forth:

37 CFR 1.63(d)(3) provides for the situation in which 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 37 CFR 1.47. 37 CFR 1.63(d)(3)(i) requires a copy of any decision granting a petition to accord 37 CFR 1.47 status to such application, unless all nonsigning inventor(s) or legal representative (pursuant to 37 CFR 1.42 or 1.43) have filed an oath or declaration to join in an application of which the continuation or divisional application claims a benefit under 35 U.S.C. 120, 121 or 365(c). Where one or more, but not all, nonsigning inventor or legal representative (pursuant to 37 CFR 1.42 or 1.43) subsequently joins in any application of which the continuation or divisional application claims a benefit under 35 U.S.C. 120, 121 or 365(c), 37 CFR 1.63(d)(3)(ii) also requires a copy of any oath or declaration filed by the inventor or legal representative who subsequently joined in such application.

New continuation or divisional applications filed under 37 CFR 1.53(b) which contain a copy of an oath or declaration that is not signed by one of the inventors and a copy of the decision according 37 CFR 1.47 status in the prior application, should be forwarded by the Office of Initial Patent Examination (OIPE) to the Office of Petitions before being forwarded to the Technology Center (TC). The Office of Petitions will

3 Again, the declaration submitted with the instant petition was executed by each of the joint inventors save joint inventor Kaeser.

mail applicant a letter stating that "Rule 47" status has been accorded to the continuation or divisional application, but will not repeat the notice to the nonsigning inventor nor the announcement in the *Official Gazette*. See 37 CFR 1.47(c).

Petitioner has supplied copies of both the petition (renewed) of December 9, 2002, and the decision of May 27, 2003.

As such, 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 petition is **GRANTED**.

As provided in MPEP 204.06(c), this Office will not forward notice of this application's filing to the non-signing inventor at the addresses given in the petition, and notice of the filing of this application will not be repeated in the Official Gazette.

After this decision is mailed, the application will be forwarded to Technology Center 1700 for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0011. Please note that on approximately September 28, 2004, the Office of Petitions will relocate to the new PTO location in Alexandria. Although the mailing address will remain the same, the general phone number for the Office of Petitions which should be used for status requests will change to 571-272-3282, and the telephone number for the undersigned will change to 571-272-3225.

Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Rene Kaeser
Stadtgasse 2
1718 Rechthalten
Switzerland

CIBA SPECIALTY CHEMICALS CORPORATION
PATENT DEPARTMENT
540 WHITE PLAINS RD
P O BOX 2005
TARRYTOWN NY 10591-9005

COPY MAILED

SEP 0 7 2004

OFFICE OF PETITIONS

In re Application of :
David George Leppard, Eugen Eichenberger, Rene :
Kaeser, Gebhard Hug, and Urs Schwendimann :
Application No. 10/847,095 : LETTER
Filed: May 17, 2004 :
Attorney Docket No. CO/2-21884/A/DIV :
Title: PROCESS FOR THE PREPARATION OF :
ACYLPHOSPHINES, ACYL OXIDES AND ACYL :
SULFIDES :

Dear Mr. Kaeser:

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 (703) 305-0011. 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: CIBA SPECIALTY CHEMICALS CORPORATION
PATENT DEPARTMENT
540 WHITE PLAINS RD, P O BOX 2005
TARRYTOWN NY 10591-9005
UNITED STATES OF AMERICA

Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 4-21-06

TO SPE OF : ART UNIT 2816

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/647,105 Patent No.: 6,887,406

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.

Check cols.

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: Corrections made to column 4, line 38 and column 7, line 2 were not the fault of the PTO.

SPE

2816
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

CHA & REITER, LLC
210 ROUTE 4 EAST STE 103
PARAMUS NJ 07652

COPY MAILED

AUG 14 2006

OFFICE OF PETITIONS

In re Application of :
Lee, et al. :
Application No. 10/847,109 : ON PETITION
Filed: May 17, 2004 :
Attorney Docket No. 5000-1-570

This is a decision on the petition under 37 CFR 1.181 to withdraw the holding of abandonment, filed May 12, 2006. This is also a decision on the petition under 37 CFR 1.137(b), filed May 12, 2006

The petition under 37 CFR 1.181 is **DISMISSED**.

The petition under 37 CFR 1.137(b) is **GRANTED.**

TREATMENT UNDER 37 CFR 1.181

The record reflects that a Notice of Allowance and Issue Fee Due was mailed in this application on December 27, 2005, allowing a period for response of three months from its mailing date. On March 29, 2006, the Issue Fee Transmittal was received along with the issue fee and publication fee. A proper certificate of mailing was not found on the Issue Fee Transmittal Form. The application was held on abandoned on March 28, 2006, because the issue fee payment was not timely received. A Notice of Abandonment was mailed on May 30, 2006.

The instant petition was filed on May 12, 2006, wherein petitioner argues that the issue fee payment should be recognized as being timely received on March 27, 2006, because that is the date it was deposited with the United States Postal Service (USPS). Petitioner further states that the failure to complete the certificate of mailing on the Issue Fee Transmittal Form was an oversight.

The argument has been considered but is not persuasive. With few exceptions, correspondence that is received by the UPSTO is accorded a filing date as of the date it is received unless it is accompanied by a certificate of mailing under 37 CFR 1.8 or is sent via United State Postal Service, Express Mail Service in which case the correspondence is accorded a filing date as of the date it is deposited with the United States Postal Service. It is imperative that the certificate of mailing be dated in order to be considered proper. The omission of the date from certificate of mailing is material and effectively invalidates the certificate of mailing. As the certificate of mailing on the Issue Fee Transmittal was not dated, the USPTO has no way of knowing when the Issue Fee Transmittal was deposited. Therefore, the USPTO properly accorded the Issue Fee

Transmittal a filing date of March 29, 2006, making it an untimely response to the Notice of Allowance and Issue Fee Due.

The copy of the postcard filed with the petition is noted, but does not serve as *prima facie* evidence that that Issue Fee Transmittal Form was deposited on, or prior to, March 27, 2006, as it does not have an Office date-stamp. Petitioner has not established that the Issue Fee Transmittal form was deposited with the USPS on, or prior to, March 27, 2006. The holding of abandonment was properly imposed. The petition is dismissed, accordingly.

TREATMENT UNDER 37 CFR 1.137(b)

The petition under 37 CFR 1.137(b) is granted.

The issue fee payment and publication fee were received on March 29, 2006, and are made of record.

The application file is being directed to the Office of Patent Publications for further processing.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

AUZVILLE JACKSON, JR.
8652 RIO GRANDE ROAD
RICHMOND VA 23229

COPY MAILED

JAN 15 2008

OFFICE OF PETITIONS

In re Application of	:	
Duncan C. Fung	:	
Application No. 10/847120	:	
Filing or 371(c) Date: 05/17/2004	:	ON PETITION
Attorney Docket Number: 1698(E&M)	:	

This is a decision on the petition to revive the application under the unintentional provisions of 37 CFR 1.137(b), filed November 13, 2007.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the non-final Office action, mailed January 31, 2007. The Office action set a three (3) month period for reply from the mail date of the Office action. Extensions of time were available under 37 CFR 1.136(a). No reply having been received, the application became abandoned on May 1, 2007. A Notice of Abandonment was mailed August 7, 2007.

Applicant files the present petition and includes an Amendment in response to the Office action. The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that the petition includes (1) the reply; (2) the petition fee; and (3) the required statement of unintentional delay. Accordingly, the reply is accepted as having been unintentionally delayed.

The application is being referred to Technology Center Art Unit 1771 for processing of the Amendment/reply filed with the petition 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
www.uspto.gov

JANAL M. KALIS
SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS, MN 55402

MAILED

JUN 0 1 2009

OFFICE OF PETITIONS

In re Application of	:	
John J. Giobbi	:	DECISION ON PETITION
Application No. 10/847,135	:	TO WITHDRAW
Filed: May 17, 2004	:	FROM RECORD
Attorney Docket No. 25000-11111	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 14, 2005.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that on March 14, 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: Fenwick & West LLP
Silicon Valley Center
801 California Street
Mountain View CA 94041

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

JUL - 8 2005

In re Application of Primo J. Bonici Serial No. 10/847,136 Filed: May 17, 2004 For: A GAME OF CHANCE AND METHOD FOR PLAYING THEREOF	:	DECISION ON PETITION TO MAKE SPECIAL

Applicant's petition, filed January 10, 2005, 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.

Richard A. Bertsch, Director
Technology Center 3700

James J. Lillie
Lillie Law, LLC
269 Southport Street
Ronkonkoma, NY 11779-6222

UNITED STATES 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. Lorusso
Lorusso Loud & Kelly LLP
Suite 312
15 Rye Street
Portsmouth NH 03801

COPY MAILED

DEC 17 2004

OFFICE OF PETITIONS

In re Application of
Stephen Byers and Lyle Gluck
Application No. 10/847,146
Filed: May 17, 2004
Attorney Docket Number: SJB-110
Title of Invention: Protective System for Airport Runway and Taxiway Light Fixtures

DECISION GRANTING STATUS UNDER 37 CFR 1.47(a)

This is in response to the petition under 37 CFR 1.47(a), filed October 28, 2004.

The petition is GRANTED.

Petitioner has shown that the non-signing inventor Gluck has refused to join in the filing of the above-identified application after having been presented with the application papers. Specifically, the petition attest a copy of the application was sent to non-signing inventor's last known address via Federal Express. 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.

Deposit account No. 12-2147 will be charged the $130 petition fee and the $65 surcharge fee for late filing of the oath or declaration.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

STEPHEN MICHAEL PATTON
P O BOX 381454
GERMANTOWN, TN 38183

COPY MAILED
MAY 25 2006
OFFICE OF PETITIONS

In re Application of :
Larry E. Miller :
Application No. 10/847,169 : DECISION ON REQUEST
Filed: May 17, 2004 : TO WITHDRAW
Attorney Docket No. 15319 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR §1.36(b), filed January 17, 2006.

The request is **APPROVED**.

A review of the file record indicates that Stephen Michael Patton: (1) does not appear to have power of attorney in this patent application; but (2) has been employed or otherwise engaged in the proceedings in this patent application. In view of the present decision, Stephen Michael Patton 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).

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Sherry D. Brinkley at 571-272- 32204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

Conferee: Amelia Au

cc: CNH AMERICA LLC
INTELLECTUAL PROPERTY LAW DEPARTMENT
PO BOX 1895, MS 641
NEW HOLLAND, PA 17557

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

April 27, 2006

Patent No. : 7,004,552 B1
Ser. No. : 10/847,178
Inventor(s) : Hiroshi Takumori, et al.
Issued : February 28, 2006
Title : **BRAKE HYDRAULIC CONTROL ACTUATOR FOR VEHICLES**
Docket No. : **040-106**

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.

Antonio Johnson
For Cecelia Newman
Decisions & Certificates
of Correction Branch
(703) 308-9390 ext. 111 or (703) 308-8309

Tracy M. Heims
Apex Juris
Lake City Center – Suite 410
12360 Lake City Way Northeast
Seattle, WA 98125

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

APEX JURIS, PLLC
TRACY M HEIMS
LAKE CITY CENTER, SUITE 410
12360 LAKE CITY WAY NORTHEAST
SEATTLE WA 98125

COPY MAILED
SEP 28 2006
OFFICE OF PETITIONS

In re Application of
Takumoi et al.

Application Number: 10/847,178

Patent: 7,004,552
Attorney Docket Number: 040-106
Filing Date: May 17, 2004

Issue Date: February 28, 2006

DECISION ON PETITION

This is a decision on the petition filed July 21, 2006 under 37 CFR 3.81 (b)[1] to correct the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The petition is **Granted**.

Pursuant to petitioner's request deposit account 50-2069 will be charged the certificate of correction fee in the amount of $100.00 and the processing fee pursuant to 37 CFR 1.17(i) in the amount of $130.00. A review of the record shows that the certificate of correction fee was not previously charged.

This application is being forwarded to the Certificate of Correction Branch for issuance of the requested Certificate of Correction.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3215. Any questions concerning the issuance of the Certificate of Correction should be directed to the Certificate of Correction Branch at (703) 305-8309.

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

---

[1]See 69 Fed. Reg. 29865 (May 26, 2004).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

KIRKPATRICK & LOCKHART PRESTON GATES ELLIS LLP
(FORMERLY KIRKPATRICK & LOCKHART NICHOLSON GRAHAM)
STATE STREET FINANCIAL CENTER
ONE LINCOLN STREET
BOSTON, MA 02111-2950

COPY MAILED

NOV 0 5 2007

OFFICE OF PETITIONS

In re Application of	:	
Richard A. Gambale, et al.	:	
Application No. 10/847,190	:	DECISION ON PETITION
Filed: May 17, 2004	:	TO WITHDRAW
Attorney Docket No. B0751/7037	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed June 11, 2007.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Kirkpatrick & Lockhart Preston Gates Ellis, LLP has been revoked by the assignee of the patent application on October 19, 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: JASON M. HONEYMAN
WOLF, GREENFIELD & SACKS, PC
600 ATLANTIC AVENUE
BOSTON, MA 02210-2206

UNITED STATES 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 LLP
1279 OAKMEAD PARKWAY
SUNNYVALE CA 94085-4040

COPY MAILED

SEP 11 2008

In re Application of	:	
Herf et al.	:	
Application No.: 10/847194	:	ON PETITION
Filing or 371(c) Date: 05/17/2004	:	
Attorney Docket Number:	:	
7171P022	:	

This is a decision on the Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. § 1.137(b), filed July 7, 2008

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely reply to the non-final Office action, mailed June 27, 2007. The Office action set a three (3) period for reply. Extensions of time under 37 CFR 1.136(a) were available. No reply having been received, the application became abandoned on September 28, 2007. A Notice of Abandonment was mailed April 22, 2008.

Applicant files the present petition and includes an Amendment in response to the Office action. The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an Amendment is filed with the present petition; (2) the petition fee; and (3) the required statement of unintentional delay. Accordingly, the reply is accepted as having been unintentionally delayed.

This application is being referred to Technology Center Art Unit 2153 for processing of the Amendment filed with the petition in due course.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BROOKS KUSHMAN P.C.
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD MI 48075

COPY MAILED

FEB 22 2005

OFFICE OF PETITIONS

In re Application of :
Elia, et al. :
Application No.: 10/847,198 :
Filed: May 17, 2004 :
Attorney Docket No.: CCCI 0105 PUSP :
For: METHOD AND SYSTEM FOR PLAYING VIDEO

DECISION ACCORDING STATUS UNDER 37 CFR 1.47(a)

This is a decision on the petition under 37 CFR 1.47(a), filed September 23, 2004 (certificate of mailing date September 20, 2004).

The petition is granted.

Petitioners have shown that the non-signing inventor, Leslie A. Kelly, has refused to join in the filing of the above-identified application after having been presented with the application papers. Specifically, the declaration/statement of facts of Attorney John R. Buser establishes that the inventor was mailed the application papers, including the specification, claims and drawings, but she failed to respond to requests that she sign the declaration. Petitioners have 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 2600 for examination in due course.

Telephone inquiries 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

THOMPSON HINE LLP
INTELLECTUAL PROPERTY GROUP
PO BOX 8801
DAYTON OH 45401-8801

MAILED

MAY 11 2009

OFFICE OF PETITIONS

In re Application of :
Makin, et al. :
Application No. 10/847,209 : ON PETITION
Filed: May 17, 2004 :
Attorney Docket No. END-5140USNP :

This is in response to petition under 37 CFR 1.183, filed April 14, 2009, requesting that a three month extension of time fee be waived.

The petition under 37 CFR 1.183 is **DISMISSED** as moot.

The above-identified application became abandoned for failure to timely file a proper response to the final Office action mailed October 6, 2008, which set a shortened statutory period for reply of three (3) months. Applicant filed an Amendment on December 5, 2008. However, the Amendment failed to place the application in condition for allowance. No further reply having been received, the application became abandoned on January 7, 2009. Applicant could have filed a reply with a three month extension of time as late as April 6, 2009; however, no extension of time was filed. The mailing of this decision precedes the mailing of a courtesy Notice of Abandonment.

Pursuant to 37 CFR 1.136, an extension of time must be filed prior to the expiration of the maximum period obtainable for reply to avoid abandonment. As the application is already abandoned, no extension of time fee is required. Applicants filed a petition to revive under 37 CFR 1.137(b) on

April 14, 2009. A decision on that petition is being mailed contemporaneous with this decision.

Given the basis for deciding this petition, the $400 petition fee has been refunded to Deposit Account No. 20-0809.

Telephone inquiries concerning this decision may be directed to the undersigned at 571-272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

THOMPSON HINE LLP
INTELLECTUAL PROPERTY GROUP
PO BOX 8801
DAYTON OH 45401-8801

MAILED

MAY 11 2009

OFFICE OF PETITIONS

In re Application of :
Makin, et al. :
Application No. 10/847,209 : ON PETITION
Filed: May 17, 2004 :
Attorney Docket No. END-5140USNP :

This is in response to petition to revive an unintentionally abandoned application under 37 CFR 1.137(b), filed April 14, 2009.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to timely file a proper response to the final Office action mailed October 6, 2008, which set a shortened statutory period for reply of three (3) months. Applicant filed an Amendment on December 5, 2008. However, the Amendment failed to place the application in condition for allowance. No further reply having been received, the application became abandoned on January 7, 2009. The mailing of this decision precedes the mailing of a courtesy Notice of Abandonment.

With the instant petition, petitioner paid the petition fee, made the proper statement of unintentional delay, and submitted the required reply in the form of a Notice of Appeal.

Please be advised that the two month period for filing an appeal brief (accompanied by the fee required by 37 CFR 1.17(c)) runs from the date of this decision.

Pursuant to 37 CFR 1.136, an extension of time must be filed prior to the expiration of the maximum period obtainable for reply to avoid abandonment. Accordingly, since the $130.00 extension of time fee submitted with the petition on April 14, 2009 was subsequent to the maximum period obtainable for reply (April 6, 2009), this fee has been refunded to petitioner's Deposit Account No. 20-0809.

The matter is being returned to Group Art Unit 3737 to await for applicant's submission of the appeal brief.

Telephone inquiries concerning this decision may be directed to the undersigned at 571-272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Paper No.

James L O'Neill
31 Goldenwood Dr
Norton, MA 02766

COPY MAILED

MAR 1 4 2006

OFFICE OF PETITIONS

In re Application of	:	
James O'Neill	:	
Application No. 10/847,230	:	DECISION ON PETITION
Filed: May 17, 2004	:	
Title: High Torque, Low Velocity, Internal Combustion Engine	:	

This is a decision on the petition under 37 CFR 1.137(a), filed December 12, 2005, to revive the above-identified application (and resubmitted on January 9, 2006 and February 1, 2006). It is noted that petitioner primarily referenced the parent application (application No. 10/371,652) on petition. However, petitioner has made clear that the instant application is the one that he wants revived.

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 C.F.R. §1.137(a)" or "Renewed Petition under 37 C.F.R. §1.137(b)," as appropriate.

The above-identified application became abandoned for failure to timely or properly reply to the Notice to File Corrected Application Papers mailed July 20, 2004. This Notice set a two (2) month period for response, with extensions of time permitted under §1.136(a). No reply having been received and no extensions of time obtained, the application became abandoned effective September 21, 2004. A Notice of Abandonment was mailed on April 14, 2005.

Petitioner asserts that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable. Applicant attributes the delay in responding to the inactions of his patent agent. The petition includes payment of the petition fee of $250.

OPINION

35 U.S.C. §133, provides that the Director may revive an application if the delay in replying to the outstanding Office action is shown to the satisfaction of the Commissioner to have been unavoidable. A grantable petition to revive an unavoidably abandoned application under 37 C.F.R. § 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); (3) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable; and (4) any terminal disclaimer (and fee as set forth in §1.20(d)) required pursuant to §1.137(d). Items (1) and (3) are at issue in this case.

The reply required is the reply that would have been sufficient to have avoided abandonment of the application had it been timely filed. The Notice to File Corrected Application Papers mailed July 20, 2004 required applicant to submit replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121, and to pay supplemental fees. (A copy of the Notice is enclosed). Petitioner did not submit those items with the instant petition.

Moreover, the burden of showing the cause of the delay is on the person seeking to revive the application. Smith v. Mossinghoff, 671 F.2d 533, 538, 213 U.S.P.Q. 977, 982 (D.C. Cir. 1982). This burden includes establishing that the entire delay from the due date for the reply until the filing of a grantable petition was unavoidable. Haines v. Quigg, 673 F.Supp. 314, 316-17, 5 U.S.P.Q.2d 1130, 1131-32 (N.D. Ind. 1987). Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the "reasonably prudent person standard" in determining if the delay was unavoidable:

> The word 'unavoidable' ... is applicable to ordinary human affairs, and requires no more or greater care or diligence

> than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.

In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 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). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith, 671 F.2d at 538, 213 U.S.P.Q. at 982.

Nonetheless, it is well-established that a delay caused by the mistakes or negligence of one's voluntarily chosen representative does not constitute unavoidable delay within the meaning of 35 U.S.C. 133. Haines v. Quigg, 673 F.Supp. 314, 316-317, (1987); Link v. Wabash, 370 U.S. 626, 633-634 (1962). The Patent and Trademark Office must relay on the actions or inactions of duly authorized and voluntarily chosen representatives, and applicant is bound by the consequences of those actions or inactions.

As to requirement (3) above, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Petitioner has not met his burden of showing that the entire delay was unavoidable. In regard to attorney Collin's, the record supports a conclusion that he was applicant's attorney of record at the time of the abandonment. Nonetheless, he was applicant's voluntarily chosen representative, and as such, his actions or inactions are imputed to applicant. Petitioner does not provide any evidence that would excuse attorney Collin's failure to reply. Moreover, petitioner does not provide any specific evidence of bad faith or gross negligence on the part of attorney Collins. Such conduct must be properly documented in

order for attorney Collin's lack of diligence not to be imputed to applicant.

Furthermore, petitioner does not explain his own actions in regard to continuing prosecution of this application. When did he ascertain that attorney Collins was not actually prosecuting the application. Upon making that determination, what actions did applicant take to continue prosecution or to revive the application? When did applicant learn of the abandonment and how much of a delay was there in applicant filing a petition to revive? And if the petition was not filed promptly, what was the cause of this delay? For revival under the unavoidable standard, further explanation of petitioner's actions is required.

CONCLUSION

The showing required under §1.137(a) is exacting, and petitioner has not met that showing.

Petitioner is not precluded from providing further evidence on request for reconsideration to show that the facts and circumstances of the delay in this case warrant revival under §1.137(a). However, petitioner is advised of an alternative venue for relief, under §1.137(b).

Petitioner may file a request for reconsideration pursuant to 37 C.F.R. §1.137(b) on the basis of unintentional delay. A grantable petition under §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 set forth in 37 C.F.R. §1.17(m); (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional"; and (4) any terminal disclaimer (and fee as set forth in §1.20(d)) required pursuant to §1.137(d). (Item (4) is not required in this case). Form PTO/SB/64 is enclosed for petitioner's convenience in seeking relief under §1.137(b).

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition

to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

In summary, on renewed petition, applicant must provide the response to the Notice to File Corrected Application Papers mailed July 20, 2004; and a grantable petition to revive under 1.137(a) based on unavoidable delay or a grantable petition to revive under 1.137(b)(including the $750 petition fee) based on unintentional delay.

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: (571) 273-8300
ATTN: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

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: Copy of Notice to File Corrected Application Papers mailed July 20, 2004.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/847,230	05/17/2004	James Leo O'Neill	BAC-0027

CONFIRMATION NO. 3709

Brian A. Collins
218 Farm Meadow Ln.
Cheshire, CT 06410

FORMALITIES LETTER

OC000000013285675

Date Mailed: 07/20/2004

NOTICE TO FILE CORRECTED APPLICATION PAPERS

Filing Date Granted

An application number and filing date have been accorded to this application. The application is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given TWO MONTHS from the date of this Notice within which to correct the informalities indicated below. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:
    - More than one figure is present and each figure is not labeled "Fig." with a consecutive Arabic numeral (1, 2, etc.) or an Arabic numeral and capital letter in the English alphabet (A, B, etc.)(see 37 CFR 1.84(u)(1)). See Figure(s) 5A, but receive fig 5.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of **$216** as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **$216** for a Small Entity

- Total additional claim fee(s) for this application is **$216**
    - **$216** for **24** total claims over 20.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents

P.O. Box 1450
Alexandria VA 22313-1450

A copy of this notice MUST be returned with the reply.

Customer Service Center
Initial Patent Examination Division (703) 308-1202
PART 3 - OFFICE COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Paper No.

James L O'Neill
31 Goldenwood Dr
Norton, MA 02766

COPY MAILED

MAR 29 2006

OFFICE OF PETITIONS

In re Application of	:	
James O'Neill	:	
Application No. 10/847,230	:	DECISION ON PETITION
Filed: May 17, 2004	:	
Title: High Torque, Low Velocity, Internal Combustion Engine	:	

This is a decision on the petition under 37 CFR 1.137(b) filed March 24, 2006, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned effective September 21, 2004 for failure to timely or properly reply to the Notice to File Corrected Application Papers mailed July 20, 2004. By decision mailed March 14, 2006, the initial petition filed under 37 CFR 1.137(a), was dismissed for failure to make an adequate showing of unavoidable delay. In addition, the Notice to File Corrected Application Papers mailed July 20, 2004 required applicant to submit replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121, and to pay supplemental fees. Petitioner did not submit those items with the petition.

In response, petitioner timely filed the instant petition based on unintentional delay, with the required $750.00 petition fee. In addition, petitioner submitted a response to the Notice in the form of replacement drawings and payment of $216 for supplemental fees due. The petition includes the required statement of unintentional delay. Petitioner has now met all requirements for revival pursuant to § 1.137(b).

The Office of Initial Patent Examination (OIPE) has been advised of this decision. The application is, thereby, forwarded to OIPE for processing of the responses to the Notice to File Corrected Application Papers, submitted on petition filed March 24, 2006.

Telephone inquiries specific to this decision may be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WOODCOCK WASHBURN LLP
CIRA CENTRE, 12TH FLOOR
2929 ARCH STREET
PHILADELPHIA PA 19104-2891

COPY MAILED

DEC 12 2006

OFFICE OF PETITIONS

In re Application of :
FAHL, et al. :
Application No. 10/847,236 : DECISION ON PETITION
Filed: May 17, 2004 : TO WITHDRAW
Attorney Docket No. WARF-0234 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 25, 2006.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request cannot be approved because no reasons for withdrawal have been provided. The Office cannot, at this time, determine whether practitioner's request is one of the mandatory or permissive reasons enumerated in 37 CFR 10.40. Any subsequent requests must include reasons for withdrawal. Please note that there is a space provided for on PTO/SB/83 (Request to Withdraw as Attorney or Agent) to supply practitioner's reasons

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

A Review of the file discloses that a final Office action was mailed on September 25, 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 September 26, 2006 has been received.

Telephone inquiries concerning this decision should be directed to Patricia Volpe at 571-272-6825.

Patricia Volpe
Petitions Examiner
Office of Petitions

cc: Dr. Laura Heisler
Intellectual Property Manager
Wisconsin Alumni Research Foundation
PO Box 7365
Madison, WI 53707-7365

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : March 6, 2007

TO SPE OF : ART UNIT 3742

SUBJECT : Request for Certificate of Correction for Appl. No. 10/847250 patent No.: 7129444

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: _____

_____

_____

_____

_____

_____ 3742

SPE **Art Unit**

C of C

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

JAN. 30, 2007
(Date of Deposit)

Eric J. Sosenko, Reg. No. 34,440
Name of applicant, assignee, or Registered Representative

Signature

JAN 30, 2007
Date of Signature

OIPE
FEB 05 2007
PATENT & TRADEMARK OFFICE

Our File No. 11745-72

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Keith D. Weiss

Patent No.: 7,129,444 B2

Issue Date: October 31, 2006

Serial No.: 10/847,250

Filing Date: May 17, 2004

For: HIGH PERFORMANCE DEFROSTERS FOR TRANSPARENT PANELS

Examiner: Vinod D. Patel

Group Art Unit: 3742

Certificate
FEB 07 2007
of Correction

REQUEST FOR CERTIFICATE OF CORRECTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attn: Certificate of Corrections Branch

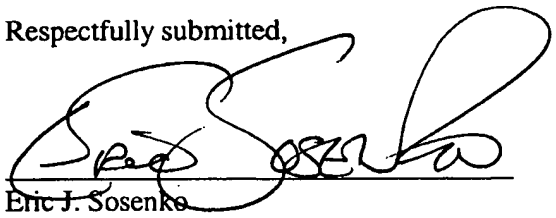
Sir:

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.

FEB 08 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,



Eric J. Sosenko
Registration No. 34,440
Attorney for Applicant

BRINKS HOFER GILSON & LIONE
P.O. Box 10395
Chicago, Illinois 60610
(312) 321-4200

FEB 0 8 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
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 : 7,129,444 B2
APPLICATION NO. : 10/847,250
ISSUE DATE : October 31, 2006
INVENTOR(S) : Keith D. Weiss

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

Column 18, in claim 18, line 3, before "of the grid lines" delete "(R)" and substitute --(R_1)-- in is place.

Column 18, in claim 20, line 3, before "of the grid lines" delete "(R)" and substitute --(R_1)-- in is place.

MAILING ADDRESS OF SENDER (Please do not use customer number below):
Eric J. Sosenko
BRINKS HOFER GILSON & LIONE
P.O. Box 10395
Chicago, Illinois 60610

PATENT NO. 7,129,444 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.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

FEB 0 8 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
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 : 7,129,444 B2
APPLICATION NO. : 10/847,250
ISSUE DATE : October 31, 2006
INVENTOR(S) : Keith D. Weiss

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

Column 18, in claim 18, line 3, before "of the grid lines" delete "(R)" and substitute --(R_1)-- in is place.

Column 18, in claim 20, line 3, before "of the grid lines" delete "(R)" and substitute --(R_1)-- in is place.

MAILING ADDRESS OF SENDER (Please do not use customer number below):
Eric J. Sosenko
BRINKS HOFER GILSON & LIONE
P.O. Box 10395
Chicago, Illinois 60610

PATENT NO. 7,129,444 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.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

FEB 0 8 2007

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MCKENNA LONG & ALDRIDGE, LLP
1900 K STREET, NW
WASHINGTON, DC 20006

COPY MAILED

NOV 13 2006

OFFICE OF PETITIONS

In re Patent No. 7,021,342 :
Issue Date : April 4, 2006 :
Application No. 10/847,286 : DECISION ON PETITION
Filed: May 18, 2004 :
Patentee(s): Joung-Ho Ryu, et. al. :

This is a decision on the Request for Certificate of Correction filed on June 14, 2006, which is being treated as a request under 37 CFR 3.81(b)[1] to correct and add the name of the co-assignee on the front page of the above-identified patent by way of a certificate of correction.

The petition is **dismissed**.

Petitioner requests issuance of a Certificate of Correction in the names of "LG.PHILIPS LCD CO., LTD., SEOUL, KOREA and TOP ENGINEERING CO., LTD., SEOUL KOREA." However, Office PALM computer database assignment records do not reflect that an assignment in the name of "TOP ENGINEERING CO., LTD., **SEOUL KOREA**" was ever recorded. 37 CFR 3.81(a) permits the patent to issue to the assignee, provided that, at the time the issue fee is paid, the name of an assignee is provided. 37 CFR 3.81(b) permits the patent to issue in the name of an assignee if the assignment was submitted after payment of the issue fee but ***prior to issuance of a patent***. Since there is no assignment recorded with the Patent and Trademark Office, prior to issuance that shows TOP ENGINEERING CO., LTD. residence as "SEOUL, KOREA", a Certificate of Correction would not be in order. *See* MPEP Section 307.

However, petitioner is entitled to receive a Certificate of Correction in the names of "LG.PHILIPS LCD CO., LTD., SEOUL, KOREA and TOP ENGINEERING CO., LTD., GYOUNGSANGBUK-DO, KOREA," as recorded in the Patent and Trademark Office at reel 014005 and frame number 0094, provided that a renewed petition, a Certificate of Correction form PTO/SB/44 and $100 Certificate of Correction fee is submitted. No further fees are required for the renewed petition.

Since a processing fee of $130 is required for treatment of the instant petition, that fee will be charged to petitioner's deposit account, as authorized.

This application file is being referred to Files Repository.

Inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

[1] *See* 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
www.uspto.gov

JUL 21 2005

EPSTEIN & GERKEN
1901 RESEARCH BOULEVARD
SUITE 340
ROCKVILLE MD 20850

In re Application of :
Chun Lim Abbott et al :
Serial No.: 10/847,299 : DECISION ON PETITION
Filed: May 18, 2004 :
For: Methods of Treating Abnormal :
Biological Conditions Using Metal Oxides :

This is in response to the petition applicant filed on September 1, 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, thus 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
www.uspto.gov

JJGJr: 0805

Paper No: __

FOLEY AND LARDNER
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

COPY MAILED

AUG 1 4 2005

OFFICE OF PETITIONS

In re Patent No. 6,881,896 :
Issue Date: 19 April, 2005 :
Application No.10/847,306 : ON PETITION
Filed: 18 May, 2004 :
Attorney Docket No.: 074273-0210 :

This is a decision on the petition (with fees) filed on 25 May, 2005, expressly under 37 C.F.R. §1.323 to correct Applicant/Petitioner's error in the issuance of the patent to the Assignee under 37 C.F.R. §1.183 and §3.81. (The Issue Fee transmittal was submitted with an error as to the assignee identification.)

NOTE: **Petitioner is cautioned always to use *both* the application number and the patent number whenever referring to the instant matter before the Office**.

The petition(s) under 37 C.F.R. §1.183 (for waiver of §3.81) and §1.323 are **GRANTED**, and the Certificate of Correction and petitions fee are charged as authorized to Deposit Account 19-0741.

The file is being forwarded to the Certificate of Correction Branch for issuance of the requested Certificate of Correction (of the form and substance submitted) in due course consistent with the assignment (to Assignee **NEC Compound Semiconductor Devices, Ltd**) recorded on 18 May, 2004, at REEL/FRAME 015345/0103.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3214.

John J. Gillon, Jr.
Senior Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.
1800 DIAGONAL ROAD
SUITE 370
ALEXANDRIA VA 22314

MAILED

NOV - 8 2005

Technology Center 2100

In re Application of: MIZUNO, et al.
Application No. 10/847,336
Filed: May 18, 2004
For: STORAGE SYSTEM

DECISION ON PETITION
TO MAKE SPECIAL
(ACCELERATED EXAMINATION)
UNDER M.P.E.P. §708.02 (VIII)

This is a response to the petition filed 28 September 2005 under 37 C.F.R. §1.102(d) and M.P.E.P. §708.02 (VIII): Accelerated Examination, to make the above-identified application special.

The Petition is **DISMISSED**.

M.P.E.P. §708.02, Section VIII which sets out the prerequisites for a grantable petition for Accelerated Examination under 37 C.F.R. §1.102(d) states in relevant part:

A new application (one which has not received any examination by the examiner) may be granted special status provided that applicant (and this term includes applicant's attorney or agent) complies with each of the following items:

(a) Submits a petition to make special accompanied by the fee set forth in **37 CFR 1.17(h)**;

(b) Presents all claims directed to a single invention, or if the Office determines that all the claims presented are not obviously directed to a single invention, will make an election without traverse as a prerequisite to the grant of special status;

(c) Submits a statement(s) that a pre-examination search was made, listing the field of search by class and subclass, publication, Chemical Abstracts, foreign patents, etc. The pre-examination search must be directed to the invention as claimed in the application for which special status is requested. A search made by a foreign patent office satisfies this requirement;

(d) Submits one copy each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and

(e) Submits a detailed discussion of the references, which discussion points out, with the particularity required by 37 CFR 1.111 (b) and (c), how the claimed subject matter is patentable over the references.

In those instances where the request for this special status does not meet all the prerequisites set forth above, **applicant will be notified and the defects in the request will be stated**. The application will remain in the status of a new

application awaiting action in its regular turn. In those instances where a request is defective in one or more respects, applicant will be given one opportunity to perfect the request in a renewed petition to make special. If perfected, the request will then be granted. If not perfected in the first renewed petition, any additional renewed petitions to make special may or may not be considered at the discretion of the Technology Center (TC) Special Program Examiner.

The petition filed 28 September 2005 fails to adequately meet requirement (e) of the criteria set forth above. The discussion of the references does not point out with the particularity required by 37 CFR 1.111(b) and (c) how the claimed subject matter is patentable over the references. The discussion fails to distinguish the Murata reference from claim 1. It is noted that if applicants intend to make the identical statement to distinguish each reference from an independent claim, as may or may not be the case in the instant petition, then the statement should simply be made once in the petition. (E.g., "Regarding independent claim 1, none of the references disclose . . . .")

Petition to Make Special **DISMISSED**.

Petitioner is given one opportunity to perfect the petition. Any request for reconsideration must be filed within TWO MONTHS of the mail date of this decision.

Until the renewed petition is submitted, the application will be returned to the examiner's docket to await treatment on the merits in the normal order of examination.

Pinchus M. Laufer
Special Program Examiner
Technology Center 2100
Computer Architecture, Software and Information Security
571-272-3599

ds

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.
1800 DIAGONAL ROAD
SUITE 370
ALEXANDRIA, VA 22314

MAILED

JUN 0 8 2006

TECHNOLOGY CENTER 2100

In re Application of: MIZUNO, et al.
Application No. 10/847,336
Filed: 18 May 2004
For: STORAGE SYSTEM

DECISION ON PETITION
TO MAKE SPECIAL
(ACCELERATED EXAMINATION)
UNDER M.P.E.P. §708.02 (VIII)

This is a decision on the renewed petition filed 5 January 2006, in follow up to the petition filed 28 September 2005, to make the above-identified application special under 37 CFR 102(d) and MPEP § 708.02(VIII): Accelerated Examination.

The Petition is **GRANTED**.

M.P.E.P. § 708.02, Section VIII which sets out the prerequisites for a grantable petition for Accelerated Examination under 37 C.F.R. § 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 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 Programs Examiner
Technology Center 2100
Computer Architecture, Software and Information Security
571-272-3595

GO

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Paper No.

MAILED

APR 26 2010

OFFICE OF PETITIONS

DICKSTEIN SHAPIRO LLP
1825 EYE STREET NW
Washington DC 20006-5403

In re Application of	:	
Seyyedy and Hush	:	
Application No. 10/847,338	:	DECISION ON PETITION
Filed: May 18, 2004	:	PURSUANT TO
Attorney Docket No.	:	37 C.F.R. § 1.47(A)
M4065.0532/P532-A	:	
Title: HYBRID MRAM ARRAY	:	
STRUCTURE AND OPERATION	:	

This is in response to the petition pursuant to 37 C.F.R. § 1.47(a), filed on November 6, 2009.

This petition is **DISMISSED**.

On May 18, 2004, the application was filed, identifying Messrs. Seyyedy and Hush as joint inventors. A fully executed declaration was included on filing, however, this declaration failed to contain the citizenship of either inventor, as required by 37 C.F.R. § 1.63(a)(3).

On November 6, 2009, Petitioner submitted this petition, along with, *inter alia*, a portion of the petition fee,[1] a declaration that has been executed by the second-named inventor and contains the citizenship of both inventors, a declaration of facts, the last-known address of Mr. Seyyedy,[2] and an indication that this individual cannot be located.[3]

A grantable petition pursuant to 37 C.F.R. § 1.47(a) requires:

---

1 Petitioner has submitted $130, when the amount that is due is $200. The $130 will be refunded to Petitioner's credit card and $200 will be charged to Deposit Account number 04-1073, as authorized on the second page of the Notice of Appeal submitted on October 1, 2007.
2 Petition, page 2 and Flax declaration of facts, paragraph 10.
3 Petition, page 1. See also Flax declaration of facts, generally.

(1) the petition fee of $200;
(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 C.F.R. § 1.16(f);
(3) a statement of the last known address of each non-signing inventor;
(4) either
  a) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to each non-signing inventor for review and proof that each non-signing inventor refuses to join in the application or
  b) proof that each non-signing inventor cannot be found or reached after diligent effort, and;
(5) a declaration which complies with 37 C.F.R. § 1.63.

Petitioner has met requirements (1), (3), and (5) of 37 C.F.R. § 1.47(a). The second requirement is not applicable.

Regarding the fourth requirement of 37 C.F.R. § 1.47(a), Petitioner has not submitted adequate proof that diligent efforts have been made to locate the non-signing inventor. Petitioner has set forth that the non-signing joint inventor "cannot be located."[4] As such, Petitioner is required to establish that a diligent effort was made to locate the non-signing inventor. The searches which have been described consist of contacting the non-signing inventor's former employer[5] as well as a co-inventor in an unrelated application,[6] an Internet search engine,[7] and an Internet social networking Website.[8] These searches do not constitute a diligent effort, as none constitutes a search that is likely to result in the obtainment of the address where the non-signing inventor customarily receives mail.

Prior to filing a renewed petition, Petitioner should conduct searches that are reasonably likely to result in the obtainment of the address where the non-signing inventor customarily receives mail. Petitioner must provide a showing detailing the attempts that were made to obtain a forwarding address or to locate the non-signing inventor by means such as through E-mail, telephone, and the Internet. If these searches are sufficiently

4 Petition, page 1.
5 Flax statement of facts, paragraph 9,
6 Id. at 11.
7 Id. at 13
8 Id. at 14.

broad so as to provide a reasonable opportunity to locate this individual, and it is then averred that such attempts failed, then Petitioner will have provided the necessary proof required under 37 C.F.R. § 1.47 that the non-signing inventor cannot be reached. Details of the efforts to locate the non-signing inventor are to be set forth in an affidavit or declaration of facts by a person having first hand knowledge of the details.

Moreover, it noted that Petitioner has indicated that he "assigned James DiNatale, a researcher employed with Dickstein, to investigate the current contact information for Mr. Seyyedy."[9] A copy of the search results from this researcher's attempts has been included, and it appears that a search was run on a commercially-available database. However, the record does not contain a description of this search. On renewed petition, Petitioner should provide a statement from James DiNatale, which contains a description of the search terms that were used, as well as an indication of the database that was searched and an indication as to whether the identifiers which are present in these search results are consistent with those of the non-signing inventor.

Additionally, it is noted that these search results contain an address in California, but it does not appear that this lead was investigated. Petitioner should investigate this lead before filing any renewed petition.

Still further, the search appears to have been conducted for locating "Mirrahmeen L. (emphasis added) Seyyedy," and the record is unclear as to why a middle initial appears to have been included in the search terms. The fully executed oath that was included on filing lists the "full name" of this individual as "Miramajid Seyyedy," *i.e.* it does not appear that this individual has a middle name. Moreover, it is noted that in neither this petition, nor in any of the e-mails in the exhibits which were included with this petition, do any of the individuals at Petitioner's law firm or the former employer of the non-signing inventor indicate that this individual has a middle initial of "L." As a result, the undersigned has conducted a search using the "Public Records" search feature of LexisNexis® for the inventor as his name has been provided to the Office (*i.e.* with no middle initial), and several alternate addresses which do not appear in Petitioner's search results have been obtained, including seven alternate addresses in Idaho and an address in Missouri. Petitioner should investigate these leads before filing any renewed petition.

---

9 Id. at 10.

If reconsideration of this decision is desired, any response to this decision must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. § 1.47(a)". This is not a final agency action within the meaning of 5 U.S.C § 704.

Petitioner should note that any statement that appears therein should be made by one having firsthand knowledge of the event. Statements based on hearsay are not normally accepted.

Any response to this decision should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,[10] hand-delivery,[11] or facsimile.[12] Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.[13]

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.[14]

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

---

10 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
11 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
12 (571) 273-8300- please note this is a central facsimile number.
13 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html
14 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any of Petitioner's further action(s).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

NIXON & VANDERHYE, PC
1100 N GLEBE ROAD
8TH FLOOR
ARLINGTON, VA 22201-4714

COPY MAILED

JAN 19 2005

OFFICE OF PETITIONS

In re Application of :
Nelson, Schaeffer, Swede, Bucci, DeBarro, Strout, :
and Mortensen :
Application No.: 10/847,357 : DECISION REFUSING
Filed: May 18, 2004 : RULE 47(a) STATUS
Attorney Docket No:83901448 :
For: BI-LAYER HVOF COATING WITH CONTROLLED POROSITY FOR USE IN THERMAL COATINGS

This is a decision on the petition under 37 CFR 1.47(a) filed August 31, 2004.

The petition under 37 CFR 1.47(a) is **dismissed.**

Any request for reconsideration under 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 respond will result in the abandonment of this application. Any response should be titled "Request for Reconsideration of Petition Under 37 CFR 1.47(a).

The above-identified application was filed on May 18, 2004, without a properly executed declaration. A Notice to File Missing Parts of Nonprovisional Application was mailed on July 2, 2004, indicating that a declaration executed by inventor DeBarro was required as well as a surcharge of $130.00 for the late filing of the same. On August 31, 2004, the instant petition was filed along with several exhibits.

A grantable petition under 37 CFR 1.47(a) requires:

(1) proof that the non-signing inventor(s) 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,

(4) a statement of the last known address of the non-signing inventor,

The instant petition lacks item (1) as set forth above.

As to item (1), it is not clear whether petitioner is asserting that inventor DeBarro cannot be located to execute the declaration or whether inventor DeBarro is constructively refusing to execute the declaration.

Before either conclusion is reached, petitioner must demonstrate that a diligent effort was made to locate inventor DeBarro and present him with a complete application papers. The evidence is not convincing that diligence requirement has been satisfied. In the letter to the assignee dated July 22, 2004, counsel questions whether inventor DeBarro still lives in Greer, South Carolina at all. From this, it may be inferred that a diligent effort has not been made to conclusively determine the whereabouts of inventor DeBarro. Petitioner is not required to affirmatively locate the non-signing inventor, but must demonstrate that efforts were made toward that end. Further to this point, Section 409.03(d) of the *Manual of Patent Examining Procedure* (MPEP) provides, in pertinent, part that:

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made.
>
> The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement.
> The steps taken to locate the whereabouts of the nonsigning inventor should be included statement of facts. It is important that the statement contain facts as opposed to conclusions.

Any renewed petition under 37 CFR 1.47(a) filed must be accompanied by a statement establishing that a diligent effort was made to locate inventor DeBarro.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents,
PO Box 1450
Alexandria, VA 22313-1450

By FAX: (703)872-9306
Attn: Office of Petitions

Telephone inquiries should be directed to the undersigned (571) 272-3222.

Kenya McLaughlin

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

NIXON & VANDERHYE P.C./G.E.
1100 N. GLEBE RD.
SUITE 800
ARLINGTON, VA 22201

COPY MAILED

APR 2 0 2005

OFFICE OF PETITIONS

In re Application of :
Nelson, Schaeffer, Swede, Bucci, DeBarro, Strout, and Mortensen:
Application No.: 10/847,357 : DECISION ACCORDING
Filed: May 18, 2004 : RULE 47(a) STATUS
Attorney Docket No: 83901448 :
For: **BI-LAYER HVOF COATING WITH CONTROLLED POROSITY FOR USE IN THERMAL COATINGS**

This is in response to the renewed petition under 37 CFR 1.47(a), filed March 21, 2005.

The petition is **GRANTED**.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

The above-identified application was filed on May 18, 2004, and was not accompanied by a properly executed oath or declaration. A Notice to File Missing Parts of Nonprovisional Application was mailed on July 2, 2004, requiring a properly executed oath or declaration and payment of a surcharge for the late filing of the same. The notice allowed an extendable period for response of two months from its mailing date. A petition under 37 CFR 1.47(a) was filed, responsively, on August 31, 2004, with exhibits. The petition was dismissed by a decision mailed January 19, 2005. The instant renewed petition was filed on March 21, 2005.

Petitioner has shown that inventor DeBarro has refused to join the 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 addresses given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

Deposit account 14-1140 will be charged $120.00 for an extension of time within the first month that is necessary in order to make the instant renewed petition timely.

This application will be directed to the Office of Initial Patent Examination for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

RADER FISHMAN & GRAUER PLLC
LION BUILDING
1233 20TH STREET N.W., SUITE 501
WASHINGTON DC 20036

COPY MAILED

NOV 21 2007

OFFICE OF PETITIONS

In re Application of :
Sachiko Kaneko et al :
Application No. 10/847,360 : DECISION ON PETITION
Filed: May 18, 2004 :
Attorney Docket No. SON-3004 :

This is a decision on the petition under 37 CFR 1.137(b), filed May 9, 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 7, 2006, which set a shortened statutory period for reply of three (3) months. No extensions of time were obtained under the provisions of 37 CFR 1.136(a). Accordingly, the application became abandoned on November 8, 2006. A Notice of Abandonment was mailed on April 27, 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) a proper statement of unintentional delay. Accordingly, the reply to the Office action of August 7, 2006 is accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3218.

This application is being referred to Technology Center AU 3745 for appropriate action in the normal course of business on the reply received May 9, 2007.

Frances Hicks
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**OBLON, SPIVAK, MCCLELLAND, MAIER &
NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA VA 22314**

COPY MAILED

JUL 2 6 2005

OFFICE OF PETITIONS

In re Application of :
Eriko Ajioka et al :
Application No. 10/847,383 : ON PETITION
Filed: May 18, 2004 :
Attorney Docket No. 253163US2 :

This is a decision on the petition, filed July 25, 2005, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on May 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 should be directed to the undersigned at (571) 272-3208.

The examiner of Technology Center AU 2841 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).

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 6/25/07

TO SPE OF : ART UNIT 2627

SUBJECT : Request for Certificate of Correction on Patent No.: 7224645

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:

O/K to enter CRP

SPE

2627
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

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK NY 10112

COPY MAILED

JAN 17 2008

OFFICE OF PETITIONS

In re Application of	:	
Naoto Abe et al	:	
Application No. 10/847,415	:	DECISION GRANTING PETITION
Filed: May 18, 2004	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 02910.000131	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed January 16, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on October 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 should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 2629 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

TRANSPACIFIC LAW GROUP
617 NORTH DELAWARE STREET
SAN MATEO CA 94401

COPY MAILED

APR 26 2007

OFFICE OF PETITIONS

In re Application of :
LU, Li-Chin :
Application No. 10/847,419 : DECISION ON PETITION
Filed: May 17, 2004 : TO WITHDRAW
Attorney Docket No. **N0140/PP/HH** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 22, 2007.

The request is **NOT APPROVED**.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO IL 60661

COPY MAILED

MAR 02 2009

OFFICE OF PETITIONS

In re Application of :
Macinnis, et al. : DECISION ON PETITION
Application No. 10/847,425 :
Filed: May 17, 2004 :
Atty. Dkt. No.: 51077/JEJ/B600 :

This is a decision on the petition under 37 CFR 1.181, filed January 15, 2009, to withdraw the holding of abandonment in the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181." This is not a final agency decision.

This application became abandoned April 12, 2008 for failure to timely reply to the non-final Office action mailed January 11, 2008. 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 CFR 1.136(a) were timely requested. Notice of Abandonment was mailed December 29, 2008.

Petitioner alleges non-receipt of the non-final Office due to the Office's failure to mail it to the correct correspondence address. Petitioner argues that a four page change of correspondence address was filed via facsimile on April 6, 2006.

Petitioner is advised as per MPEP 711.03(c) that where an application becomes abandoned as a consequence of a change of correspondence address (the Office action being mailed to the old, uncorrected address and failing to reach the applicant in sufficient time to permit a timely reply) an adequate showing of "unavoidable" delay will require a showing that due care was taken to adhere to the requirement for prompt notification in each concerned application of the change of address (see MPEP §

601.03), and must include an adequate showing that a timely notification of the change of address was filed in the application concerned, and in a manner reasonably calculated to call attention to the fact that it was a notification of a change of address. The following do not constitute proper notification of a change in correspondence address: (A) the mere inclusion, in a paper filed in an application for another purpose, of an address differing from the previously provided correspondence address, without mention of the fact that an address change was being made; (B) the notification on a paper listing plural applications as being affected (except as provided for under the Customer Number practice - see MPEP § 403); or (C) the lack of notification, or belated notification, to the U.S. Patent and Trademark Office of the change in correspondence address.

A review of the record reveals that on April 6, 2006, the Office received a four page facsimile directed to the instant application. A request for change of correspondence address was not contained on any of the four pages. In fact, page four of the four page transmission as received was blank. Accordingly, it cannot be found that a request for change of correspondence was in fact properly submitted. As no request for change of correspondence address was received, the non-final Office action was mailed to the correspondence address contained in the record. A copy of the facsimile submitted April 6, 2006 is included for petitioner's reference.

ALTERNATE VENUE

Petitioner may wish to consider filing a petition stating that the delay was unintentional. Petitioner's attention is directed to 37 CFR 1.137(b) which provides for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of an issue fee was "unavoidable". An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the required petition fee and reply.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if

petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

Further correspondence with respect to this matter should be addressed as follows:

By mail: **Mail Stop Petition**
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300

By hand delivery: U.S. Patent and Trademark Office
Customer Window, **Mail Stop Petition**
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

Enclosure

McANDREWS, HELD & MALLOY
34TH FLOOR
500 WEST MADISON STREET
CHICAGO, ILLINOIS 60661

RECEIVED
CENTRAL FAX CENTER
APR 0 6 2006

ARO PLEASE DELIVER RETURN RECEIPT TO
Brenda Campillo

TELEPHONE: (312) 775-8000
FACSIMILE: (312) 775-8100

Certificate of Transmission under 37 CFR 1.8

CONFIDENTIAL

THE ENCLOSED MATERIAL IS INTENDED FOR THE RECIPIENT NAMED BELOW AND, UNLESS OTHERWISE EXPRESSLY INDICATED, IS CONFIDENTIAL AND PRIVILEGED INFORMATION. ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THE ENCLOSED MATERIALS IS PROHIBITED. IF YOU RECEIVE THIS TRANSMISSION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE, AT OUR EXPENSE, AND DESTROY THE ENCLOSED MATERIALS. YOUR COOPERATION IS APPRECIATED.

TO: Commissioner For Patents	FAX NO.:	(571) 273-8300
FROM: Kevin E. Borg	USER ID:	8132
CLIENT: 1772 (17408US03)	MATTER:	72994US01

Number of Pages This Transmission (Including Cover Page): 4

I hereby certify that the attached Transmittal Form, Statement Under 37 CFR 3.73 (b) and Power of Attorney are being facsimile transmitted to the United States Patent and Trademark Office on April 6, 2006.

K E B

Kevin E. Borg Reg. No. 51,486

If you have problems receiving this facsimile transmission, please contact the sender at the above telephone number.

PTO/SB/21 (09-04)
Approved for use through 7/31/2006
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission	3

Application Number	10/847,425
Filing Date	May 17, 2004
First Named Inventor	Alexander G. MacInnis
Art Unit	2813
Examiner Name	Not yet assigned
Attorney Docket Number	17408US03

ENCLOSURES (check all that apply)

- ☐ Fee Transmittal Form
  - ☐ Fee Attached
- ☐ Amendment/Reply
  - ☐ After Final
  - ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Reply to Missing Parts/ Incomplete Application
  - ☐ Reply to Missing Parts under 37 CFR 1.52 or 1.53
- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a Provisional Application
- ☒ Power of Attorney, Revocation Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD Number of CD(s) _____
  - ☐ Landscape Table on CD
- ☐ After Allowance Communication to TC
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to TC (*Appeal Notice, Brief, Reply Brief*)
- ☐ Proprietary Information
- ☐ Status Letter
- ☐ Return-Receipt Postcard
- ☒ Other Enclosure(s) (please identify below):

Remarks: Statement Under 37 CFR 3.73 (b)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm	McAndrews Held & Malloy, Ltd.
Signature	/K. E. D./ reg. # 51,486
Printed Name	Kevin E. Borg
Date	April 6, 2006

CERTIFICATE OF FAX TRANSMITTAL

I hereby certify that this correspondence is being sent via facsimile to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 6, 2006.

Name (Print/type)	Kevin E. Borg	Registration No. (Attorney/Agent)	51,486
Signature	/K. E. D./	Date	April 6, 2006

PTO/SB/96 (12-05)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Alexander G. MacInnis; Chengfuh J. Tang; Xiaodong Xie; Vivian Hsiun

Application No./Patent No./Control No.: 10/847,425 Filed/Issue Date: May 17, 2004

Entitled: Video And Graphics System With Video Scaling

Broadcom Corporation, a corporation
(Name of Assignee) (Type of Assignee: corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title, and interest (The extent (by percentage) of its ownership interest is _____ %)

in the patent application/patent identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 011657, Frame 0447, or a true copy of the original assignment is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From:_____ To:_____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

2. From:_____ To:_____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

3. From:_____ To:_____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.
[NOTE: A separate copy (*i.e.*, a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Signature	April 6, 2006 Date
Kevin E. Borg Reg. No. 51,486 Printed or Typed Name	312-775-8000 Telephone Number
Attorney/Agent of Record Title	

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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
10/847,425	05/17/2004	Alexander G. MacInnis	51077/JEJ/B600

CONFIRMATION NO. 3336

POWER OF ATTORNEY NOTICE

23363
CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA, CA 91109-7068

Date Mailed: 03/02/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/15/2009.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/ambrown/

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

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
10/847,425	05/17/2004	Alexander G. MacInnis	51077/JEJ/B600

CONFIRMATION NO. 3336

23446
MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO, IL 60661

POA ACCEPTANCE LETTER

OC00000034793113

Date Mailed: 03/02/2009

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/15/2009.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/ambrown/

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

MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO IL 60661

MAILED

MAR 10 2010

OFFICE OF PETITIONS

In re Application of
Macinnis, et al.
Application No. 10/847,425
Filed: May 17, 2004
Atty. Dkt. No.: 17408US03

: DECISION ON PETITION

This is a decision on the petition renewed under 37 CFR 1.137(b), filed May 1, 2009.

The petition is **GRANTED**.

This application became abandoned April 12, 2008 for failure to timely reply to the non-final Office action mailed January 11, 2008. 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 CFR 1.136(a) were timely requested. Notice of Abandonment was mailed December 29, 2008. A petition under 37 CFR 1.181 was filed January 15, 2009 and dismissed March 2, 2009.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D).

The instant petition has been carefully reviewed and found in compliance with the requirements set forth above.

In view thereof, this application is being forwarded to the Group Art Unit 2621 for review of the reply to the non-final Office action filed herewith.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

SENNIGER POWERS LEAVITT AND ROEDEL
ONE METROPOLITAN SQUARE
16TH FLOOR
ST LOUIS MO 63102

COPY MAILED

JAN 14 2005

OFFICE OF PETITIONS

In re Application of	:	
Daryle R. Monroe, et al.	:	
Application No. 10/847,430	:	NOTICE
Filed: May 17, 2004	:	
Attorney Docket No. DKE 9012.10		

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989).** Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

Inquiries related to this communication should be directed to the Office of Petitions Staff at (571) 272-3201.

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

David T. Yang, Esq.
Morrison & Foerster LLP
Suite 3500
555 West Fifth Street
Los Angeles, CA 90013-1024

COPY MAILED

AUG 0 4 2008

OFFICE OF PETITIONS

In re Application of	:	
Don C. Devendorf, et al.	:	
Application No. 10/847,433	:	DECISION ON PETITION
Filed: May 17, 2004	:	TO WITHDRAW
Attorney Docket No. 03T011	:	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 7, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by David T. Yang 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.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Don C. Devendorf**
2016 Caracol Court
Carlsbad, CA 92009

cc: **Carlos Villamar**
Roberts Mlotkowski & Hobbes, P.C.
7018 Jones Branch Drive, Suite 500
McLean, VA 22102

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
10/847,433	05/17/2004	Don C. Devendorf	03T011

CONFIRMATION NO. 3321

POWER OF ATTORNEY NOTICE

David T. Yang, Esq.
Morrison & Foerster LLP
Suite 3500
555 West Fifth Street
Los Angeles, CA 90013-1024

OC00000003135574

Date Mailed: 08/04/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/07/2008.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tswilliams/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FULBRIGHT & JAWORSKI L.L.P.
801 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, DC 20004-2623

COPY MAILED

JUN 0 8 2007

OFFICE OF PETITIONS

In re Patent No. 7,053,565 :
Issued: May 30, 2006 :
Application No. 10/847,438 : ON PETITION
Filed: May 18, 2004 :
Attorney Docket No. WO 432.005 :
CIP/10101579

This is a decision on the petition under 37 CFR 1.182, filed November 29, 2006, requesting issuance of a duplicate Letters Patent for the above-identified application.

The petition is **DISMISSED**.

The file record discloses that the instant application matures into U.S. Patent No. 7,053,565 on May 30, 2006. However, petitioner contends that the patent was never received and it is presumed lost in the mail.

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]

In the absence of any irregularity there is a strong presumption that the communications was properly mailed to the applicant at the correspondence address of record. This presumption may be overcome by a showing that the aforementioned communications was not in fact received.

The showing in the instant petition is not sufficient to waive the petition fee because practitioner did not include a copy of the docket record where the non-received Office communication would have been entered had it been received and docketed. Should petitioner submit the above information, the petition fee will be refunded. If petitioner does not wish to so, please notify the Office and the petition will be decided without refunding the petition fee.

---

[1] See MPEP 711.03(c) and notice entitled "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 O.G. 53 (November 16, 1993).

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Window located at:

U.S. Patent and Trademark Office
Customer Service Window Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-3206.

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FULBRIGHT & JAWORSKI L.L.P.
801 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, DC 20004-2623

COPY MAILED

AUG 0 7 2007

OFFICE OF PETITIONS

ON PETITION

In re Patent No. 7,053,565 :
Issued: May 30, 2006 :
Application No. 10/847,438 :
Filed: May 18, 2004 :
Attorney Docket No. WO 432.005 CIP :

This is a decision on the petition under 37 CFR 1.182, filed November 29, 2006, requesting issuance of a duplicate Letters Patent for the above-identified application.

The petition is **GRANTED**.

Per a telephone conversation with Practitioner Michael J. Strauss on Monday, August 6, 2007, the instant petition will be granted on the basis that the $400.00 petition fee has previously been submitted and the applicant no longer wishes for a refund.

The Publishing Division is directed to issue a duplicate Letters Patent.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3206. Any questions concerning issuance of the duplicate Letters Patent should be directed to Krystal Paige at (703) 308-9250.

A copy of this decision is being forwarded to Publishing Division for issuance of a duplicate Letters Patent.

Liana Walsh
Petitions Examiner
Office of Petitions

cc: Krystal Paige, P/OPPD, South Tower 8C41 (FAX 571-273-9756)

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DIW 04-05

OLIFF & BERRIDGE, PLC
P.O. BOX 19928
ALEXANDRIA VA 22320

COPY MAILED

APR 14 2005

OFFICE OF PETITIONS

In re Application of	:	
Joel Van Cranenbroeck	:	DECISION GRANTING
Application No. 10/847,445	:	PETITION
Filed: 18 May, 2004	:	
Attorney Docket No. 119773	:	

This is a decision on the petition, filed on 29 December, 2004, which is treated as a petition under 37 CFR 1.53, requesting that the above-identified application, including Page 32 of the specification, be accorded a filing date of 18 May, 2004.

The application was filed on 18 May, 2004.

On 29 December, 2004, the present petition was filed. Petitioner states that upon review of a certified copy of the application, Page 32 was missing. According, on 29 December, 2004, the present petition was filed, accompanied by a copy of the specification including the claims, and drawings.

Petitioner asserts that the application as filed included 53 pages of specification, Page 32 of which was misplaced after receipt at the USPTO. In support, a copy of petitioner's itemized postcard and courier receipts were supplied with the present petition. The postcard and courier receipts both bear an Office date of 05-18-04, and the postcard also contains the above-identified application number. Both identify the application by inventor's name, attorney docket number, and invention title, and itemize the filing of, *inter alia*, 53 pages of specification.

A review of the record reveals that 52 pages of specification (description and claims) received on 18 May, 2004 are located among the application papers received on that date. No Page 32 of the specification is located among the application papers received on 18 May, 2004. However, the evidence is convincing

that the application papers deposited on 18 May, 2004, included Page 32 of the specifications which was subsequently misplaced in the Office. Therefore, the application, including Page 32 of the specification, is entitled to a filing date of 18 May, 2004.

In view of the above, the petition is granted. No petition fee is due and none has been charged.

The application will be processed with the copy of the Page 32 of the specification supplied on 29 December, 2004, as a part of the original disclosure. The copies of the other application papers filed with the present petition will not be used for processing or examination, but will be retained in the application file.

In accepting the copy of Page 32 supplied on 29 December, 2004, the Office is construing the application papers filed with the present petition to be a copy of the papers originally filed on 18 May, 2004. Petitioner **must** inform the Office if this is an incorrect interpretation.

The application is being returned to Initial Patent Examination Division for further processing with a filing date of 18 May, 2004, using the application papers filed on that date, and the copy of Page 32 of the specification supplied with the present petition.

Telephone inquiries should be directed to the undersigned at 571-272-3231.

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.
1300 19TH STREET, N.W.
SUITE 600
WASHINGTON,, DC 20036

Mail Date: 04/21/2010

Applicant	: Jee-Young Jung	: DECISION ON REQUEST FOR
Patent Number	: 7576785	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/847,470	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/18/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1394** 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.

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

COPY MAILED
SEP 29 2008

In re Application of	:	
Kunikazu Takahashi et al.	:	
Application No. 10/847,476	:	DECISION ON PETITION
Filed: May 18, 2004	:	PURSUANT TO
Attorney Docket No. 1341.1205	:	37 C.F.R. § 1.181(A)
Title: METHOD AND DEVICE FOR	:	
MOBILE OBJECT INFORMATION	:	
MANAGEMENT, AND COMPUTER	:	
PRODUCT	:	

This is a decision on the petition pursuant to 37 C.F.R. § 1.181(a) to withdraw the holding of abandonment, filed on August 19, 2008.

The above-identified application became abandoned for failure to reply in a timely manner to the notice of non-compliant amendment, mailed December 20, 2007, which set a period for reply of one month. No further responses were received, and no extensions of time pursuant to 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on January 21, 2008. A notice of abandonment was mailed on July 29, 2008.

With this petition, Petitioner has asserted that a response to this communication was submitted to the Office on January 8, 2008. Petitioner has submitted both a copy of this response and a postcard receipt that establishes that a "Response to Notice of Non-Compliant Amendment" was received in the Office on January 8, 2008.

Considering the facts and circumstances of the delay at issue, as set forth on petition, it is concluded that Petitioner has met his burden of establishing that a response was timely submitted. It appears that this submission was subsequently misplaced in the Office.

Accordingly, the petition under 37 C.F.R. § 1.181(a) is **GRANTED**. The holding of abandonment is **WITHDRAWN**.

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 Response to the Notice of Non-Compliant Amendment that was received on August 19, 2008 (originally received on January 8, 2008) can be processed.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the withdrawal of the holding of abandonment has been acknowledged by the Technology Center in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to the Technology Center where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.[1] 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

1 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DIW 10-04

CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON DC 20044-4300

COPY MAILED

OCT 18 2004

OFFICE OF PETITIONS

In re Application of :
Plantan, Jacobs, and Schenider :
Application No. 10/847,478 : DECISION ACCORDING STATUS
Filed: 18 May, 2004 : UNDER 37 CFR 1.47(a)
Attorney Docket No. 011351.52878US :

This is in response to the petition filed under 37 CFR 1.47(a) on 14 September, 2004.

The petition is **GRANTED**.

Petitioners have shown that the non-signing inventor has refused to join in the filing of the above-identified application after having been sent a copy of the application papers. Specifically, petitioners have established that a copy of the application was sent to the non-signing inventor, Richard B. Jacobs. However, the non-signing inventor has refused to sign the declaration listing him as a joint inventor along with Ronald S. Plantan and Anton Schneider.

In accepting the present petition, the Office is construing the declaration of Cheryl Greenly to mean that Ms. Greenly has personal knowledge that copy of the application papers was sent to non-signing inventor Jacobs. Petitioners **must** inform the Office if this is an incorrect interpretation.

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, not 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 3600 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
www.uspto.gov
DIW 10-04

Richard B. Jacobs
405 Windward Way
Avon Lake OH 44012

COPY MAILED

OCT 1 8 2004

OFFICE OF PETITIONS

In re Application of
Plantan et al.
Application No. 10/847,478
Filed: 18 May, 2004
For: APPARATUS AND METHOD FOR SENSING DISC BRAKE ACTUATOR POSITION

Dear Mr. Jacobs:

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

CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON DC 20044-4300

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

AUG 17 2004

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

In re Application of	:
Richard B. Williams	:
Serial No.: 10/847,484	: PETITION TO MAKE SPECIAL
Filed: May 17, 2004	:
Attorney Docket No.: PRONOV.001CP4	:

This is in response to applicants' petition filed May 17, 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, XII. Therefor the petition is **GRANTED**.

Should there be any questions with regard to this letter please contact William R. Dixon, Jr. by letter addressed to the Director, Technology Center 1600, P.O. Box 1450, Alexandria, VA 22313-1450, or by telephone at 571-272-0519 or by facsimile transmission at 703-872-9306.

William R. Dixon, Jr.
Special Program Examiner
Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Hui Chuan Chen
Apt. 3
212 Taffrail Road
Quincy, MA 02169

COPY MAILED

AUG 16 2007

OFFICE OF PETITIONS

In re Application of :
Hui Chuan Chen, et. al. :
Application No. 10/847,486 : ON PETITION
Filed: August 6, 2004 :
Attorney Docket No. N/A :

This is a decision on the petition under 37 CFR 1.137(b), filed April 4, 2007, to revive the above-identified application.

The above application became abandoned for failure to reply to the final Office action mailed on August 4, 2006. A Notice of Abandonment was mailed on February 21, 2007.

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.

Further, there is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts. However, if petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. A courtesy copy of this decision is

being mailed to petitioner. Nevertheless, all future correspondence regarding this application file will be directed solely to the address of record until otherwise instructed.

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) under 37 CFR 1.114, with the $395 filing fee and an amendment; (2) the petition fee of $750; and (3) an adequate statement of unintentional delay. Therefore, the petition is **GRANTED**.

This application is being revived for consideration of the RCE.

The application file is being referred to Technology Center Art Unit 3711.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

cc: Edwin Schindler
171 Stillwell Lane
Syosset, NY 11791

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 8/29/07

Paper No.: —

TO SPE OF : ART UNIT 1711

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/847503 Patent No: 7179508B2

A response is requested with respect to a request for a certificate of correction.

With respect to the change(s) requested to correct Office and/or Applicant's errors, should the patent read as shown in the certificate of correction attached herewith or the COCIN document(s), in IFW images for the above-identified patented application? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

If the response is for an IFW, within 7 days, please complete and forward the response, to the employee (named below) via scanning into application images, using document code **COCX**.

If the response is for a paper file wrapper, please complete the response and forward the response with the paper file wrapper, to the employee (named below), within 7 days, to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

VIRGINIA TOLBERT
Certificates of Correction Branch
703-308-9390 ext. 113

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☑ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: _____

_____

_____

_____

_____

_____ 1796
SPE **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

AUG - 2 2004

DCM

In re Application of :
Linda STEEVES-HAITH, et al. :
Serial Number: 10/847,517 : PETITION UNDER
Filed: May 17, 2004 : M.P.E.P.708.02 V
For: DISPOSABLE UNIT FOR CIGARETTES :

This is in response to the petition filed May 17, 2004, requesting that the above-identified application be granted Special Status under Section 708.02 V of the MPEP and 37 CFR 1.102(c) **(no fee required)**.

The request for Special Status considered under Section 708.02 V is denied because the criterion under Section 708.02 V has not been met. Specifically, statements under 37 CFR 1.102 explaining how the inventions contribute to the restoration or maintenance of life-sustaining elements did not accompany the petition for "special" status.

Accordingly the petition is **DENIED.**

Marian C. Knode, Special Programs Examiner
Technology Center 1700
Chemical and Materials Engineering

LINDA STEEVES-HAITH
2316 W. 96 ST
LEAWOOD KS 66206

UNITED STATES 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

COPY MAILED

JAN 2 4 2007

OFFICE OF PETITIONS

In re Application of	:	
Shari L. Kram, et al.	:	
Application No. 10/847,525	:	ON PETITION
Filed: May 17, 2004	:	
Attorney Docket No. 62683A	:	

This is a decision on the petition under 37 CFR 1.137(b), filed May 25, 2006, to revive the above-identified application.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. However, in accordance with 37 CFR 1.34(a), the signature of John T. Callahan appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts. A courtesy copy of this decision is being mailed to petitioner. However, if Mr. Callahan desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. All future correspondence regarding this application file will be directed solely to the address of record.

The petition is **GRANTED**.

The application became abandoned for a failure to reply in a timely manner to the non-final Office action mailed August 23, 2005. A Notice of Abandonment was mailed March 29, 2006.

The above-identified application is being revived solely for purposes of continuity. As continuity has been established by this decision reviving the above-identified application, the above-identified application is again abandoned in favor of a continuing application No. 11/419,364 filed May 19, 2006.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: SUGHRUE MION ZINN MACEAK AND SEAS
2100 PENNSYLVANIA AVE NW
WASHINGTON, DC 20037

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

September 7, 2006

FILE COPY

Patent No. : 7,086,166 B2
Ser. No. : 10/847530
Inventor(s) : Helda, et al.
Issued : August 8, 2006
Title : **SPIRIT LEVEL WITH INTEGRATED INCLINATION ADJUSTMENT MECHANISM**
Docket No. : 5658/1087 (260)

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.

Comparison of the patent in column 8, line 42, and column 8, line 55, with the corresponding location in the application file reveals that there is no discrepancy.

In view of the foregoing, your request is hereby denied.

Relief can be sought through request for certificate of correction under the provisions of Rule 1.323, accompanied by the appropriate fee of $ 100.

Elisha Evans
For Cecelia Newman, Supervisor
Decisions & Certificates
of Correction Branch
(703) 308-9390 ext. 110

MOORE & VAN ALLEN PLLC
P.O. BOX 13706
Research Triangle Park NC 27709

CBN/eme

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Philip E. Poma III
4266 Center Rd.
Linden MI 48451

COPY MAILED

AUG 18 2006

OFFICE OF PETITIONS

In re Application of :
Philip E. Poma III :
Application No. 10/847,532 : DECISION ON PETITION
Filed: May 18, 2004 : TO WITHDRAW
Attorney Docket No. : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 12, 2006.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request cannot be approved because no reasons for withdrawal have been provided. The Office cannot, at this time, determine whether practitioner's request is one of the mandatory or permissive reasons enumerated in 37 CFR 10.40. Any subsequent requests must include reasons for withdrawal. Please note that there is a space provided for on PTO/SB/83 (Request to Withdraw as Attorney or Agent) to supply practitioner's reasons.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Charles Smoot at 571-272-3299.

David Bucci
Petitions Examiner
Office of Petitions

DAC
/FW/

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

OIPE IAP96
AUG 30 2006
PATENT & TRADEMARK OFFICE

Philip E. Poma III
4266 Center Rd.
Linden MI 48451

COPY MAILED

AUG 18 2006

OFFICE OF PETITIONS

In re Application of
Philip E. Poma III
Application No. 10/847,532
Filed: May 18, 2004
Attorney Docket No.

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 12, 2006.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request cannot be approved because no reasons for withdrawal have been provided. The Office cannot, at this time, determine whether practitioner's request is one of the mandatory or permissive reasons enumerated in 37 CFR 10.40. Any subsequent requests must include reasons for withdrawal. Please note that there is a space provided for on PTO/SB/83 (Request to Withdraw as Attorney or Agent) to supply practitioner's reasons.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Charles Smoot at 571-272-3299.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ESTHER H. CHONG
BIRCH STEWART KOLASCH & BIRCH, LLP
8110 GATEHOUSE ROAD, SUITE 100 EAST
P.O. BOX 747
FALLS CHURCH VA 22040-0747

COPY MAILED

FEB 0 2 2007

OFFICE OF PETITIONS

In re Application of	:	
Lee, Hyung Choon	:	
Application No. 10/847,533	:	ON PETITION
Filed: May 18, 2004	:	
Attorney Docket No. 5422-0101PUS1	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed November 29, 2006, to revive the above-identified application.

The petition is **GRANTED.**

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an Amendment and a Terminal Disclaimer; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the response has been accepted as having been unintentionally delayed.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the $510.00 extension of time fee submitted with the petition on November 29, 2006, was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account as authorized.

A Notice of Acceptance of Power of Attorney is enclosed.

This matter is being referred to Technology Center 3700 for further examination on the merits.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3206.

Liana Walsh
Petitions Examiner
Office of Petitions

Enclosure: Notice of Acceptance of Power of Attorney

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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
10/847,533	05/18/2004	Hyung Choon Lee	5422-0101PUS1

CONFIRMATION NO. 5627

OC000000022287730

OC000000022287730

ESTHER H. CHONG
BIRCH STEWART KOLASCH & BIRCH, LLP
8110 GATEHOUSE ROAD, SUITE 100 EAST
P.O. BOX 747
FALLS CHURCH, VA 22040-0747

Date Mailed: 02/01/2007

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/29/2006.

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.

LIANA S WALSH
OP (571) 272-3206

ATTORNEY/APPLICANT COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DEC 1 4 2004

MAILED

DEC 1 4 2004

OFFICE OF THE DIRECTOR
TC 3600

GOWLING LAFLEUR HENDERSON LLP
560-120 King Street W.
P.O. BOX 1045, LCD 1
Hamilton, L8P 4V2 CANADA

In re application of : **DECISION ON PETITION**
Daniel D. Kewin : **TO MAKE SPECIAL**
Application No. 10/847,570 : **(APPLICANT'S AGE)**
Filed: May 18, 2004 :
For: TUBULAR CORE ASSEMBLIES FOR ROLLS OF PAPER OR OTHER SHEET MATERIAL

This is a decision on the petition submitted on November 15, 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. Kewin indicating that he is at least 65 years of age.

The examiner is directed (1) to make an interference search for possible interfering applications, (2) to promptly examine this application out of turn, and (3) if any interfering application is discovered, to examine such application simultaneously and state in the first official letter of such application that it is being taken out of turn because of a possible interference.

Petitioner is advised that this application will continue to be special, throughout its entire prosecution and pendency, including interference or appeal, if any, only if petitioner makes a prompt ***bona fide*** effort, in response to each Office action, to place the application in condition for allowance, even if it is necessary to conduct an interview with the examiner to accomplish this purpose.

SUMMARY: Petition to Make Special **GRANTED**.

Steven N. Meyers
Special Programs Examiner
Patent Technology Center 3600
(703) 308-3868

SNM/pav: 12/08/04

EST AVAILABLE COPY

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address : COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
10/847582			

EXAMINER	
Jennifer Dunston	
ART UNIT	PAPER NUMBER
1636	

DATE MAILED:

The decision on the petition filed in the above entitled application is as follows:

☐ Delay in Prosecution Held Unavoidable (35 U.S.C. 133),

Petition Granted _____

☐ Delayed Payment of Issue Fee Accepted (35 U.S.C. 151),

Petition Granted _____

☒ Petition Granted The petition filed under 37 C.F.R. 1.84 (b)(2) submitted 5/18/04 has been granted.

☐ Petition Denied _____

☐ Petition Dismissed _____

By direction of the Deputy
Assistant Commissioner for Patents

_____

Remy Yucel

REMY YUCEL, PH.D
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Paper No.

ADAM K. SACHAROFF
MUCH SHELIST FREED DENENBERG
AMENT&RUBENSTEIN,PC
191 N. WACKER DRIVE
SUITE 1800
CHICAGO IL 60606-1615

COPY MAILED
NOV 22 2006
OFFICE OF PETITIONS

In re Application of	:	
Rehkemper et al.	:	DECISION ON
Application No. 10/847,608	:	PETITION
Filed: May 17, 2004	:	
Atty Docket No. 4004013.0103	:	
	:	

This is a decision on the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b), filed October 30, 2006.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to submit drawings within three months of the mailing date, May 22, 2006, of the Notice of Allowability. This Office action set a three-month nonextendable statutory period for reply. No drawings having been received, the above-identified application became abandoned on August 23, 2006. A courtesy Notice of Abandonment was mailed on October 19, 2006.

The petition included the required reply[1] in the form of submission of drawings; payment of the petition fee set forth in 37 CFR § 1.17(m); and the required statement of unintentional delay. No terminal disclaimer is required.

[1] The Issue Fee was timely paid on July 24, 2006. No publication fee was required.

The Office of Patent Publication has been advised of this decision. The application is, thereby, forwarded 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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

STANLEY P. FISHER
REED SMITH, LLP
3110 FAIRVIEW PARK DRIVE, SUITE 1400
FALLS CHURCH, VA 22042-4503

COPY MAILED

AUG 0 4 2008

OFFICE OF PETITIONS

In re Application of	:	
FUJISHMIA, et al.	:	
Application No. 10/847,629	:	DECISION GRANTING PETITION
Filed: May 18, 2004	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. ASAM.0122	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed July 29, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is GRANTED.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on July 2, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 2617 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Monica A. Graves
Petitions Examiners
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

BRYAN CAVE LLP
211 NORTH BROADWAY
SUITE 3600
ST. LOUIS, MO 63102-2750

Mail Date: 06/07/2010

Applicant	: Michael J. Mullan	: DECISION ON REQUEST FOR
Patent Number	: 7732467	: RECALCULATION of PATENT
Issue Date	: 06/08/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 10/847,630	: OF WYETH
Filed	: 05/17/2004	:
		:

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
Alexandria, VA 22313-1450
www.uspto.gov

COPY MAILED

JUN 25 2007

OFFICE OF PETITIONS

Lipsitz & McAllister, LLC
755 MAIN STREET
MONROE CT 06468

In re Application of :
Flock : LETTER REGARDING PATENT
Application No. 10/847,634 : TERM ADJUSTMENT
Filed: May 17, 2004 :
Atty. Dkt. No: HOE-820 :

This is a decision on the "LETTER REGARDING PATENT TERM ADJUSTMENT" filed May 21, 2007. The Office thanks applicants for their good faith and candor in bringing this to our attention.

The Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application, mailed March 5, 2007, indicated that the PTA to date is 244 days. Applicant suggests the correct adjustment is 214 days.

The correct Patent Term Adjustment ("PTA") at the time of the allowance is 214 days, as indicated by applicant.

A review of calculation of adjustment reveals that at the time of allowance, an adjustment of 330 days can be attributed to the Office in accordance with 37 CFR 1.702(a)(1).

The Office neglected to reduce the adjustment 30 days in accordance with 37 CFR 1.704(b) in connection with the response to the Notice to File Missing Parts submitted November 15, 2004. The reduction began October 17, 2004, the day after the date that is three months after the date that the Notice was mailed, and ended November 15, 2004, the date a response to the Notice was filed.

The adjustment is further reduced 86 days in accordance with 37 CFR 1.704(b) in connection with the response to the non-final Office action submitted December 7, 2006. The reduction began September 13, 2006, the day after the date that is three months after the date that the non-final Office action was mailed, and ended December 7, 2006, the date a response to the non-final Office action was submitted.

Accordingly, at the time of allowance, the application is entitled to an adjustment of 214 days.

As applicants are advising us of a potential error in providing too much patent term adjustment in this application, no fee is due in connection with this matter.

The patent term adjustment indicated in the patent will include any additional patent term accrued pursuant to §§ 1.702(a)(4) and 1.702(b).

The application is being forwarded to Office of Patent Publications for issuance of a patent.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205.

Kery Fries
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

Enclosure: Copy of Adjustment PAIR Calculation

Day : Friday
Date: 6/22/2007

PALM INTRANET

Time: 11:43:51

PTA Calculations for Application: 10/847634			
Application Filing Date:	05/17/2004	PTO Delay (PTO):	330
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	86
Post-Issue Petitions:	0	Total PTA (days):	214
PTO Delay Adjustment:	-30		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
54	06/22/2007	ADJUSTMENT OF PTA CALCULATION BY PTO		30	
43	03/05/2007	MAIL NOTICE OF ALLOWANCE			
42	03/02/2007	ISSUE REVISION COMPLETED			
41	03/02/2007	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
40	03/02/2007	NOTICE OF ALLOWABILITY			
39	12/20/2006	DATE FORWARDED TO EXAMINER			
38	12/07/2006	RESPONSE AFTER NON-FINAL ACTION		86	36
37	12/07/2006	REQUEST FOR EXTENSION OF TIME - GRANTED			
36	06/12/2006	MAIL NON-FINAL REJECTION	330		-1
35	06/08/2006	NON-FINAL REJECTION			
34	11/15/2004	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
33	02/10/2006	MAIL MISCELLANEOUS COMMUNICATION TO APPLICANT			
32	02/10/2006	MISCELLANEOUS COMMUNICATION TO APPLICANT - NO ACTION COUNT			
31	01/20/2006	MISCELLANEOUS INCOMING LETTER			
30	07/14/2005	MISCELLANEOUS INCOMING LETTER			
29	04/09/2005	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
28	04/09/2005	CASE DOCKETED TO EXAMINER IN GAU			
27	11/15/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
26	11/15/2004	REFERENCE CAPTURE ON IDS			
25	11/15/2004	REQUEST FOR FOREIGN PRIORITY (PRIORITY PAPERS MAY BE INCLUDED)			

24	11/15/2004	PRELIMINARY AMENDMENT			
23	05/17/2004	NEW OR ADDITIONAL DRAWING FILED			
22	01/10/2005	TRANSFER INQUIRY TO GAU			
21	01/03/2005	TRANSFER INQUIRY TO GAU			
20	01/03/2005	TRANSFER INQUIRY TO GAU			
19	12/13/2004	TRANSFER INQUIRY TO GAU			
18	12/03/2004	APPLICATION RETURN FROM OIPE			
17	12/03/2004	APPLICATION IS NOW COMPLETE			
16	12/03/2004	APPLICATION RETURN TO OIPE			
15	12/03/2004	APPLICATION RETURN FROM OIPE			
14	12/03/2004	APPLICATION RETURN TO OIPE			
13	12/02/2004	APPLICATION DISPATCHED FROM OIPE			
12	12/03/2004	APPLICATION IS NOW COMPLETE			
11	11/15/2004	PAYMENT OF ADDITIONAL FILING FEE/PREEXAM			
10	11/15/2004	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
9	11/15/2004	TRANSLATION OF CLAIMS INTO ENGLISH			
8	11/15/2004	APPLICANT HAS SUBMITTED NEW DRAWINGS TO CORRECT CORRECTED PAPERS PROBLEMS			
7	11/15/2004	TRANSLATION OF SPECIFICATION INTO ENGLISH			
6	05/17/2004	CLAIM PRELIMINARY AMENDMENT			
3	06/18/2004	CLEARED BY OIPE CSR			
2	05/25/2004	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	05/17/2004	INITIAL EXAM TEAM NN			

Search Another: Application# Search

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

To go back use Back button on your browser toolbar.

Back to PALM | ASSIGNMENT | OASIS | Home page

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MEDLEN & CARROLL, LLP
101 HOWARD STREET
SUITE 350
SAN FRANCISCO, CA 94105

Mail Date: 04/21/2010

Applicant	: Jason E. Meiring	: DECISION ON REQUEST FOR
Patent Number	: 7651850	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/847,635	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/17/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **812** 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

JJGJR.: 01-05

Paper No: __

NEIL P FARRARO
WOLF GREENFIELD & SACKS PC
600 ATLANTIC AVENUE
BOSTON, MA 02210

COPY MAILED

FEB 0 2 2005

OFFICE OF PETITIONS

In re Application of
Gaudet, et al. :
Application No. 10/847,637 : ON PETITION
Filed: 17 May, 2004 :
Attorney Docket No. H0668.70004US00 :

This is in response to the renewed petition under 37 C.F.R. §1.47(a), filed 4 November, 2004.

The petition is **GRANTED**.

The instant application was filed on 17 May, 2004, without, inter alia, a fully executed oath/declaration

On 28 September, 2004, the Office mailed a Notice to File Missing Parts.

In response, Petitioner Neil P. Farraro (Reg. No. 39,188) filed the instant petition, along with a statement setting forth the last known address of the non-signing inventor Nancy DaSilva-Castro (Ms. DaSilva-Castro), and a statement that a copy of the entire application (description, claims, drawings) was delivered to Ms. DaSilva-Castro but that she has failed to sign (and return to Petitioner for filing) the accompanying oath/declaration, and a copy of the oath/declaration signed by the co-inventor Jeanine Gaudet for herself and on behalf of the non-signing co-inventor Ms. DaSilva-Castro.

With the instant petition, Petitioner has submitted a signed oath/declaration in compliance with 37 C.F.R. §1.63 and §1.64. (See: MPEP §409.03(b).)

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).

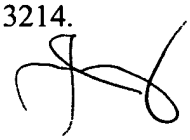
This application hereby is **ACCORDED status under 37 C.F.R. §1.47(a)**.

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 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

JJGJR.: 01-05

Paper No: __

NANCY DASILVA-CASTRO
15 DAKEL DRIVE
ASSONET, MA 02702

COPY MAILED

FEB 0 2 2005

OFFICE OF PETITIONS

In re Application of
Gaudet, et al. :
Application No. 10/847,637 : ON PETITION
Filed: 17 May, 2004 :
Attorney Docket No. H0668.70004US00 :

Dear Nancy DaSilva-Castro:

You are named as inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. §116 (United States Code), and 37 C.F.R. §1.47,[1] ¶a, Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as inventor.

---

[1] The regulations at 37 C.F.R. §1.47 provide:

§ 1.47 Filing when an inventor refuses to sign or cannot be reached.

(a) If a joint inventor refuses to join in an application for patent or cannot be found or reached after diligent effort, the application may be made by the other inventor on behalf of himself or herself and the nonsigning inventor. The oath or declaration in such an application must be accompanied by a petition including proof of the pertinent facts, the fee set forth in §1.17(h), and the last known address of the nonsigning inventor. The nonsigning inventor may subsequently join in the application by filing an oath or declaration complying with §1.63.

(b) Whenever all of the inventors refuse to execute an application for patent, or cannot be found or reached after diligent effort, a person to whom an inventor has assigned or agreed in writing to assign the invention, or who otherwise shows sufficient proprietary interest in the matter justifying such action, may make application for patent on behalf of and as agent for all the inventors. The oath or declaration in such an application must be accompanied by a petition including proof of the pertinent facts, a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage, the fee set forth in §1.17(h), and the last known address of all of the inventors. An inventor may subsequently join in the application by filing an oath or declaration complying with §1.63.

© The Office will send notice of the filing of the application to all inventors who have not joined in the application at the address(es) provided in the petition under this section, and publish notice of the filing of the application in the *Official Gazette*. The Office may dispense with this notice provision in a continuation or divisional application, if notice regarding the filing of the prior application was given to the nonsigning inventor(s).

[47 Fed. Reg. 41275, Sept. 17, 1982, effective Oct. 1, 1982; 48 Fed. Reg. 2709, Jan. 20, 1983, effective Feb. 27, 1983; revised, 62 Fed. Reg. 53131, Oct. 10, 1997, effective Dec. 1, 1997; revised, 65 Fed. Reg. 54604, Sept. 8, 2000, effective Nov. 7, 2000]

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 C.F.R. §1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 C.F.R. §1.63.

Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733.

Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or toll-free: (800) 972-6382 (outside the Washington D.C. area).

Telephone inquiries concerning this letter may be directed to the undersigned at (571) 272-3214.

John J. Gillon, Jr.
Senior Attorney
Office of Petitions

Counsel of Record:
NEIL P FARRARO
WOLF GREENFIELD & SACKS PC
600 ATLANTIC AVENUE
BOSTON, MA 02210

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BRIAN C. KUNZLER
8 EAST BROADWAY
SUITE 600
SALT LAKE CITY UT 84111

MAILED

MAR 05 2009

OFFICE OF PETITIONS

In re Application of
Paul M. Linford et al
Application No. 10/847,640
Filed: May 17, 2004
Attorney Docket No. 1004.2.4

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 2, 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 appeal brief; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply of February 2, 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 3637 for appropriate action by the Examiner in the normal course of business on the reply received February 2, 2009.

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Alexandria, VA 22313-1450
www.uspto.gov

P.O. Box 1450

FULBRIGHT & JAWORSKI L.L.P
2200 ROSS AVENUE
SUITE 2800
DALLAS TX 75201-2784

MAIL

SEP 22 2008

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of
HWANG, JUINJET
Application No. 10/847,643
Filed: May 17, 2004
For: **PROCESSING OF MEDICAL SIGNALS**

DECISION
ON PETITION

This is a decision on the petition filed July 08, 2008, pursuant to 37 CFR § 1.181, requesting to designate a new ground of rejection stemming from Examiner's Answer dated May 8, 2008.

PERTINENT BACKGROUND

A final Office action was issued on October 01, 2007 rejecting, among other rejections, claims 1-17 and 20-26 under 102(e) as being anticipated by Wood et al. US 2004/0061889 on page 3 of office action. Examiner proceeded in the body of the rejection to reference sections in Wood et al for support of anticipation for each limitation claimed.

A Notice of Appeal was filed November 28, 2007. Subsequently, an Appeal Brief was filed April 04, 2008.

An Examiner's Answer was issued on May 08, 2008 stating on page 4:

*"**Claims** 1-17 and 20-26 rejected under 35 U.S.C. 102(e) as being anticipated by Wood et al. US 2004/0061889."*

Examiner repeated the same body of the rejection that was used in the final office action.

Petitioner seeks relief by filing a petition July 08, 2008 under 37 CFR 1.181 requesting to designate a new ground of rejection stemming from Examiner's Answer dated May 8, 2008. Petitioner alleges:

> *"In response to Appellant's Appeal Brief, Examiner drafted Examiner's Answer of May 8, 2008. In Examiner's Answer, Examiner goes into depth regarding a rejection of claim 1 under obviousness grounds despite the fact that the claim was rejected under §102. See Examiner's Answer at 12-15, 20. Appellant notes that this is the first time in the prosecution of the present application that the Examiner has analyzed claim 1 under obviousness. Examiner also appears to include claims 8, 10, 20, and 24 in the obviousness analysis. Id. at 15."*

REGULATIONS AND PRACTICE

MPEP 1201 states:

*The United States Patent and Trademark Office (Office) in administering the Patent Laws makes many decisions of a *>substantive< nature which the applicant may feel deny him or her the patent protection to which he or she is entitled. The differences of opinion on such matters can be justly resolved only by prescribing and following judicial procedures. Where the differences of opinion concern the denial of patent claims because of prior art or **>other patentability issues<, the questions thereby raised are said to relate to the merits, and appeal procedure within the Office and to the courts has long been provided by statute >(35 U.S.C. 134)<.*

MPEP 1207.03 states in part, under part III. SITUATIONS THAT ARE NOT CONSIDERED AS NEW GROUNDS OF REJECTION<

"*There is no new ground of rejection when the basic thrust of the rejection remains the same such that an appellant has been given a fair opportunity to react to the rejection. See In re Kronig, 539 F.2d 1300, 1302-03, 190 USPQ 425, 426-27 (CCPA 1976). Where the statutory basis for the rejection remains the same, and the evidence relied upon in support of the rejection remains the same, a change in the discussion of, or rationale in support of, the rejection does not necessarily constitute a new ground of rejection. Id. at 1303, 190 USPQ at 427 (reliance upon fewer references in affirming a rejection under 35 U.S.C. 103 does not constitute a new ground of rejection).*" (emphasis added)

OPINION

Since the ground of rejection stated in the Examiner's Answer is the same as the ground of rejection in the Final office action, there is no new ground of rejection. The fact that the statutory basis for the rejection remains the same and the evidence relied upon in support of the rejection remains the same, the basic thrust of the rejection clearly remains the same such that appellant has been given a fair opportunity to react to the rejection. A change in the discussion of or rationale in support of the rejection does not necessarily constitute a new ground of rejection. Questions raised by the appellant concerning examiner's Response to Arguments in section 10 pages 12-15 of the Examiner's Answer relate to the merits of the rejection and are thus appealable matters not for petition.

Accordingly, the petition requesting that ground of rejection set forth in Examiner's Answer on Appeal be designated as a new ground is **DENIED**.

Any request for reconsideration must be filed within two months form the date of this decision. The application is being forwarded to the Board of Patent Appeal and Interferences for decision on the Appeal.

Valencia Martin-Wallace, Director
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Timothy B Scull
P O Box 2903
Minneapolis MN 55402-0903

COPY MAILED

SEP 29 2008

In re Application of :
Millington, et al. :
Application No. 10/847,648 : DECISION GRANTING
Filed: May 15, 2004 : PETITION
Atty. Dkt. No. 40062.0267US01/ MS302601.0 :

This is a decision on the petition, filed September 18, 2008, requesting that the above-identified application be accorded a filing date of May 15, 2004, rather than the presently accorded date of May 17, 2004. The petition is properly treated as a petition under 37 CFR 1.10(c).

Petitioner alleges that the application was deposited in Express Mail Service on May 15, 2004. In support, the petition is accompanied by a copy of Express Mail receipt No. EV3955418877US (the same Express Mail number found on the original application papers located in the official file) showing a "date in" of May 15, 2004.

The Office considers the date the paper or fee is shown to have been deposited as "Express Mail" to be the "date-in" on the Express Mail label; MPEP 513. The evidence is convincing that the application was deposited as "Express Mail" with the U. S. Postal Service on May 15, 2008.

In view of the above, the petition is **GRANTED**.

This application file is being referred to the Office of Initial Patent Examination (OIPE) for correction of the filing date to **May 15, 2008** and for issuance of a corrected filing receipt.

Telephone inquiries relating to this decision should be directed the undersigned at (571) 272-3205. Telephone inquiries related to OIPE processing should be directed to their hotline at (571) 272-4100.

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No. None

COPY MAILED

FEB 0 9 2005

OFFICE OF PETITIONS

KATTEN MUCHIN ZAVIS ROSENMAN
525 WEST MONROE STREET
CHICAGO IL 60661-3693

In re Application of :
Christopher Wai-Ming Choi :
Application No. 10/847,663 : DECISION ON PETITION
Filed: May 18, 2004 :
Attorney Docket No.: :
213201.00209 :
Title: ENERGY MANAGEMENT APPARATUS :
AND METHOD FOR INJECTION MOLDING :
SYSTEMS :

This is a decision on the petition filed January 27, 2005, requesting that the above-identified application, including pages 66 and 67 of the specification, be accorded a filing date of May 18, 2004 as part of the original disclosure.

The fee associated with the filing of a petition to expedite has been charged to Petitioner's Deposit Account, as authorized in the petition.

The application was deposited on May 18, 2004. However, on July 16, 2004, the Office of Initial Patent Examination (OIPE) mailed a "Notice to File Missing Parts of Nonprovisional Application" (notice), stating that the application had been accorded a filing date, and advising applicants that pages 66 and 67 of the specification appeared to have been omitted. The notice further indicated that the basic filing fee, the surcharge associated with the late filing of the same, and additional claim fees were due, and set a two-month period of reply.

In response, on January 27, 2005, applicants filed the present petition. The petition is further accompanied by a copy of pages 66 and 67 of the specification, along with a copy of applicants' postcard receipt acknowledging receipt of "Specifications (sic), claims and abstract 72 pages, with transmittal form" in the United States Patent and Trademark Office (Office) on May 18, 2004. Applicants request that pages 66 and 67 of the specification be accorded a filing date of May 18, 2004.

It is noted that 51 pages of specification have been located in the electronic file, along with 18 pages of claims and a 1 page abstract.

Upon review of the record, the above-mentioned pages have not been located among the application papers. However, the evidence is convincing that the application papers deposited on May 18, 2004 included pages 66 and 67 of the specification, and these sheets were subsequently misplaced in the Office.

Therefore, the application, including pages 66 and 67 of the specification, was complete on filing and entitled to a filing date of May 18, 2004 as part of the original disclosure.

Accordingly, the petition is **GRANTED**.

The notice mailed July 16, 2004 was sent in error, and is hereby **VACATED**. Therefore, no petition fee is necessary, and the petition fee 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 May 18, 2004, using the original application papers filed on that date, as well as pages 66 and 67 of the specification submitted on January 27, 2005, and for noting in Office records that these sheets were present on filing.

The general phone number for the Office of Petitions which should be used for status requests is (571) 272-3282. Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.

Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

UNITED STATES PATENT AND TRADEMARK OFFICE

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

INTELLECTUAL PROPERTY MANAGEMENT
BOEING MANAGEMENT COMPANY
P.O. BOX 2515
MAIL CODE 110-SD54
SEAL BEACH, CA 90740-1515

Mail Date: 04/20/2010

Applicant	: Douglas B. Kirkland	: DECISION ON REQUEST FOR
Patent Number	: 7640281	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/847,689	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/18/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1521** 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

FEB -1 2005

In re Application of	:	
Sabrina Pichee Chen	:	
Serial No. 10/847,690	:	DECISION ON PETITION
Filed: May 17, 2004	:	TO MAKE SPECIAL
For: TRI-FOLD PLASTIC BAG ROOL, METHOD AND APPARATUS FOR MAKING SAME	:	

Applicant's petition, filed May 17, 2004, seeks to have this application made special pursuant to the Accelerated Examination Program. The petition is GRANTED.

The petition has been reviewed and is found to be in compliance with the requirements for special status as set forth in Section 708.02(VIII) of the Manual of Patent Examining Procedures (MPEP).

Applicant is advised that the examiner's search will be restricted to the subject matter encompassed by the claims. In the event that the application receives a first action rejection, applicant is encouraged to arrange for an interview with the examiner, and to provide the examiner with a working copy of any proposed amendment one working day prior to the interview. Any amendment filed in response to a first action rejection which would require broadening of the field of search will be treated as an improper response.

PETITION GRANTED.

E.R. Kazenske, Director
Technology Center 3700

David A. Belasco
Belasco Jacobs & Townsley, LLP
6100 Center Drive, Suite 630
Los Angeles, CA 90045

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BELASCO, JACOBS & TOWNSLEY, LLP
HOWARD HUGHES CENTER
6100 CENTER DRIVE
SUITE 630
LOS ANGELES, CA 90045

COPY MAILED

JUL 16 2008

OFFICE OF PETITIONS

In re Application of :
Sabrina Pichee Chen :
Application No. 10/847,690 : ON PETITION
Filed: May 18, 2004 :
Attorney Docket No. 03-520-B :

This is a decision on the petition under 37 CFR 1.137(b), filed February 5, 2008, to revive the above-identified application.

The application became abandoned for failure to file a proper reply to the Notification of Non-Compliant Appeal Brief mailed March 29, 2007. A Notice of Abandonment was mailed on January 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 appeal brief with the $250 fee; (2) the petition fee of $770; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

This application file is being referred to Technology Center Art Unit 3721 for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

MICHAEL A. O'NEIL, P.C.
5949 SHERRY LANE, SUITE 820
DALLAS, TX 75225

COPY MAILED

SEP 15 2005

OFFICE OF PETITIONS

In re Application of :
Andrew et al. :
Application No. 10/847,698 :
Filed: May 18, 2004 : ON PETITION
Attorney Docket Number: :
700225-1003 :

This is a decision on the Petition Responsive to Notice of Incomplete Nonprovisional Application, filed July 15, 2005, requesting the above-identified application be accorded a filing date of May 18, 2004.

The petition is granted.

The application was filed on May 18, 2004. On May 24, 2005, the Office of Initial Patent Examination mailed a Notice of Incomplete Nonprovisional Application (hereinafter "Notice"), informing Applicant that the application had NOT been accorded a filing date because the application had been deposited without drawings.

Applicant responds with the instant petition and avers that drawings are not necessary to understanding the subject matter sought to be patented.

A review of the file by this Office reveals that Applicant is correct. Accord MPEP § 601.01(f).

MPEP § 601.01(f) 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.

Accordingly, this 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).

In applications filed without all of the drawing figure(s) referred to in the specification, the MPEP § 601.01(g) states that 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. (Emphasis supplied).

In view of the above, the Notice mailed May 24, 2005, was mailed in error and is hereby withdrawn.

This application is being forwarded to the Office of Initial Patent Examination, Customer Corrections, for further processing with the filing date of May 18, 2004, and an indication that no drawings were required or present on filing.

The petition fee will not be refunded because the petition was not necessitated by an error on the part of this Office.

Telephone inquiries concerning this matter should be directed to Petitions Attorney Derek L. Woods at (571) 272-3232.

Derek L. Woods
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Michael G. Cobian
W9593 710th Avenue
River Falls WI 54022

COPY MAILED

NOV 16 2005

OFFICE OF PETITIONS

In re Application of :
Bushinski :
Application No. 10/847,702 :
Filed: May 17, 2004 :
Attorney Docket No. 0001MB :
For: MOVEABLE ADDITIONAL AXLE ASSEMBLY FOR ATTACHMENT TO SKID STEER LOADER

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed October 20, 2005, to revive the above-identified application.

This application became abandoned for failure to timely reply to the Notice to File Corrected Application Papers ("Notice"), mailed July 16, 2004, which set a two month shortened statutory period for reply. No extensions of time having been obtained pursuant to 37 CFR 1.136(a) and no response being submitted, this application became abandoned on September 17, 2004. A Notice of Abandonment was mailed on April 14, 2005.

Petitioner has submitted a proper reply in the form of replacement drawings, the petition fee, and an adequate statement as to the unintentional nature of the delay in responding to the July 16, 2004 Notice.

The petition under 37 CFR 1.137(b) is **granted**.

The file is being returned to the Office of Initial Patent Examination for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3230.

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/847/703	05/17/2004	Hortencia Salinas	Salina.H-01

CONFIRMATION NO.
3790

GENE SCOTT; PATENT LAW & VENTURE GROUP
3140 RED HILL AVENUE
SUITE 150
COSTA MESA CA 92626-3440

Date Mailed: November 9, 2005

Decision Dismissing Petition under 37 CFR 1.138(c)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(c), for express abandonment to avoid publication of the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☑ The petition under 37 CFR 1.138(c) was not filed in sufficient time to permit the appropriate officials to recognize the abandonment and remove the application from the publication process.

2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).

3. ☐ The Application was published in compliance with 35 U.S.C. 122(b), and it is available on the USPTO web site at http://www.uspto.gov/patft/index.html.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/847,704	05/18/2004	2819	770	X-997-2D US	5	7	2

CONFIRMATION NO. 3794

CORRECTED FILING RECEIPT

OC000000013414495

24309
XILINX, INC
ATTN: LEGAL DEPARTMENT
2100 LOGIC DR
SAN JOSE, CA 95124

Date Mailed: 08/02/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Reno L. Sanchez, Albuquerque, NM;
John H. Linn, Albuquerque, NM;

Assignment For Published Patent Application

Xilinx, Inc., San Jose, CA;

Domestic Priority data as claimed by applicant

This application is a DIV of 10/082,440 02/22/2002 PAT 6,754,882

Foreign Applications

If Required, Foreign Filing License Granted: 07/15/2004

Projected Publication Date: 11/11/2004

Non-Publication Request: No

Early Publication Request: No

Title

Method and system for creating a customized support package for an FPGA-based system-on-

chip (SoC)

Preliminary Class

326

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

UNITED STATES POSTAL SERVICE®

Track & Confirm

Shipment Details

You entered EV00 0337 257U S

Your item was delivered at 9:04 am on May 19, 2004 in ALEXANDRIA, VA 22313 to PATENT OFFICE. The item was signed for by M BOSTON.

Here is what happened earlier:

- ARRIVAL AT UNIT, May 19, 2004, 7:49 am, DULLES, VA 20102
- ENROUTE, May 18, 2004, 3:02 pm, SAN JOSE, CA 95101
- ENROUTE, May 18, 2004, 2:24 pm, SAN JOSE, CA 95124
- ACCEPTANCE, May 18, 2004, 2:16 pm, SAN JOSE, CA 95124

Track & Confirm

Enter label number:

Track & Confirm FAQs Go>

Notification Options

- **Track & Confirm by email** What is this? Go>
- **Request Proof of Delivery** What is this? Go>

POSTAL INSPECTORS
Preserving the Trust

Copyright © 1999-2002 USPS. All Rights Reserved. Terms of Use Privacy 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

DEC 5 2005

KLARQUIST SPARKMAN, LLP
ONE WORLD TRADE CENTER
121 S.W. SALMON STREET
SUITE 1600
PORTLAND OR 97204

In re Application of:
EWING *et al.*
Serial No.: 10/847,724
Filed: May 17, 2004
Attorney Docket Number: 7273-70204-01
For: **ELECTRICAL CIRCUIT APPARATUS WITH FUSE ACCESS SECTION**

DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the petition under 37 C.F.R. § 1.102(c), filed February 14, 2005, to make the above-identified application special.

Petitioner requests that the above-identified application be made special under the accelerated examination procedure set forth in the Manual of Patent Examining Procedure (M.P.E.P.) § 708.02, Section IV: Applicant's Age.

A grantable petition to make special under 37 C.F.R. § 1.102, and in accordance with M.P.E.P. § 708.02, Section IV, must include evidence showing that the applicant is sixty five (65) years of age or more. No fee is required for this petition.

The petition includes a statement from the applicant stating that Carrel W. Ewing is sixty-five (65) years of age or more. In addition, a copy of the driver's license for Carrel W. Ewing is included as evidence.

Accordingly, the petition is GRANTED.

If the examiner can make this application special without prejudice to any possible interfering applications, and s/he should make a rigid search for such, s/he is authorized to do so for the next action. Should the application be rejected, the application will not be considered special for the subsequent action unless the applicant promptly makes a bona fide effort to place the application in condition for allowance, even if it is necessary to have an interview with the examiner to accomplish this purpose.

If the examiner finds any interfering application for the same subject matter, s/he should consider such application simultaneously with this application and should state in the official letter of such application that s/he is taking it out of its turn because of possible interference.

Should an appeal be taken in this application or should this application become involved in an interference, consideration of the appeal and the interference will be expedited by all Patent and Trademark Office officials concerned, contingent likewise upon diligent prosecution by the applicant.

After allowance, this application will be given priority for printing. See M.P.E.P. § 1309.

Inquiries regarding this decision should be directed to Jose Dees at (571) 272-1569.

Jose Dees, Special Programs Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

OWENS CORNING
2790 COLUMBUS ROAD
GRANVILLE OH 43023

COPY MAILED

DEC 15 2006

OFFICE OF PETITIONS

In re Application of :
Roland r. Loh et al :
Application No. 10/847,743 : DECISION GRANTING PETITION
Filed: May 18, 2004 : UNDER 37 CFR 1.137(b)
Attorney Docket No. 25103B :

This is a decision on the petition under 37 CFR 1.137(b), filed August 7, 2006, to revive the above-identified application.

The petition is **GRANTED**.

37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Since the statement contained in the instant petition varies from the language required by 37 CFR 1.137(b)(3), the statement contained in the instant petition is being construed as the statement required by 37 CFR 1.137(b)(3) and petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the instant petition.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of the issue fee and publication fee; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of Allowance of October 17, 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 Patent Publication.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SONIA K. GUTERMAN
LAWSON & WEITZEN, LLP
88 BLACK FALCON AVENUE, SUITE 345
BOSTON, MA 02210-2414

COPY MAILED

JUL 13 2005

OFFICE OF PETITIONS

In re Application of :
Mohan Natesan :
Application No. 10/847,755 : DECISION GRANTING
Filed: May 18, 2004 : PETITION
Attorney Docket No. 24499-538 :

This is a decision on the petition filed April 19, 2005, requesting that the above-identified application be accorded a filing date of May 18, 2004, rather than the presently accorded date of May 17, 2004. The petition is properly treated as a petition under 37 CFR 1.10(d).

The petition is **GRANTED**.

Applicant requests the later filing date on the basis that the application was purportedly deposited with Express Mail Service on May 18, 2004 pursuant to 37 CFR 1.10. While the copy of the Express Mail label receipt no. EV392157265US bears a handwritten "date-in" of May 17, 2004, the U.S. Postal Service (USPS) contains a date stamp of May 18, 2004. Applicants are alleging that the date of mailing shown in the "date-in" is a USPS error and the correct date of mailing pursuant to 37 CFR 1.10 is May 18, 2004. The same Express Mail number appears on the originally filed application papers.

The Office considers the date the paper or fee is shown to have been deposited as "Express Mail" to be the "date-in" on the Express Mail label, MPEP 513.

This application file is being returned to the Office of Initial Patent Examination Division for **correction of the filing date to May 18, 2004.** Thereafter, the application file will be forwarded to Technology Center 2800 for examination in due course.

Telephone inquiries concerning this matter may be directed Irvin Dingle at (571) 272-3210.

Marianne E. Jenkins
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

KLEIN, O''Neill & SINGH, LLP
18200 Von Karman Avenue
Suite 725
IRVINE, CA 92612

Mail Date: 05/05/2010

Applicant	: Dharma R. Konda	: DECISION ON REQUEST FOR
Patent Number	: 7669190	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 10/847,756	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/18/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1293** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JJGJR.: 07-06

Paper No: __

DLA PIPER RUDNICK
GRAY CARY US, LLP
2000 UNIVERSITY AVENUE
E. PALO ALTO CA 94303-2248

COPY MAILED

JUL 24 2006

OFFICE OF PETITIONS

In re Application of :
Jani, et al. : DECISION
Application No.: 10/847,769 :
Filing Date: 17 May, 2004 :
Attorney Docket No. 2503361-991131 :

This is a decision on the petition filed on 19 June, 2006, to withdraw the holding of abandonment and is considered under 37 C.F.R. §1.181.

NOTES:

Monitoring of the status of applications on PAIR can inform one's management of application responses and provide an indication when mailings of Office actions should be expected.

Moreover, Status Inquiries filed at three (3) or four (4) month intervals provide a demonstration of diligence and attention in supporting a petition seeking relief under 37 C.F.R. §1.181.

For the reasons set forth below the petition as considered under 37 C.F.R. §1.181 is **GRANTED**.

BACKGROUND

The record reflects that:

- Petitioner failed to reply to the final Office action mailed on 22 November, 2005, with reply, due under a non-extendable deadline on or before 22 February, 2006;
- the application went abandoned by operation of law after midnight 22 February, 2006;
- the Office mailed the Notice of Abandonment on 1 June, 2006;
- on 19 June, 2006, Petitioner filed the instant petition with averments of non-receipt and that a review of the file failed to evidence the final Office action having been received, and office documents in support of the averment in a fashion not inconsistent with the guidance in the commentary at MPEP §711.03(c).

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.[1]

---

[1] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

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

STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).[2]

The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority.

The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition.[3]

---

false, fictitious or fraudulent statement or entry, shall be subject to the penalties set forth under 18 U.S.C. 1001, and that violations of this paragraph may jeopardize the validity of the application or document, or the validity or enforceability of any patent, trademark registration, or certificate resulting therefrom; and

(2) To the best of the party's knowledge, information and belief, formed after an inquiry reasonable under the circumstances, that —

(i) The paper is not being presented for any improper purpose, such as to harass someone or to cause unnecessary delay or needless increase in the cost of prosecution before the Office;

(ii) The claims and other legal contentions therein are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;

(iii) The allegations and other factual contentions have evidentiary support or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; and

(iv) The denials of factual contentions are warranted on the evidence, or if specifically so identified, are reasonably based on a lack of information or belief.

(c) Violations of paragraph (b)(1) of this section by a practitioner or non-practitioner may jeopardize the validity of the application or document, or the validity or enforceability of any patent, trademark registration, or certificate resulting therefrom. Violations of any of paragraphs (b)(2)(i) through (iv) of this section are, after notice and reasonable opportunity to respond, subject to such sanctions as deemed appropriate by the Commissioner, or the Commissioner's designee, which may include, but are not limited to, any combination of —

(1) Holding certain facts to have been established;

(2) Returning papers;

(3) Precluding a party from filing a paper, or presenting or contesting an issue;

(4) Imposing a monetary sanction;

(5) Requiring a terminal disclaimer for the period of the delay; or

(6) Terminating the proceedings in the Patent and Trademark Office.

(d) Any practitioner violating the provisions of this section may also be subject to disciplinary action. See § 10.23(c)(15).

[Added 50 FR 5175, Feb. 6, 1985, effective Mar. 8, 1985; para. (a) revised, 58 FR 54494, Oct. 22, 1993, effective Nov. 22, 1993; paras. (a) & (b) revised, paras. (c) & (d) added, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997; para. (a) revised, 69 FR 56481, Sept. 21, 2004, effective Oct. 21, 2004]

[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 unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal Service, but due to catastrophic accident, the delivery is not made.

Delays in responding properly raise the question whether delays are unavoidable.[4] 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).[5] And the Petitioner must be diligent in attending to the matter.[6] Failure to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care.

(By contrast, unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.[7]))

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.[8] (See: the commentary at MPEP §711.03(c).[9])

---

[4] 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).

[5] See: In re Application of G, 11 USPQ2d 1378, 1380 (Comm'r Pats. 1989).

[6] 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.

[7] 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.

[8] See: Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971).

[9] 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

And the regulation (37 C.F.R. §1.181[10]) requires that relief be sought within two (2) months of the act complained of.

Petitioner appears to have satisfied the "showing" and "timing" requirements described above.

CONCLUSION

It appears that Petitioner has satisfied the burdens set forth in Delgar v. Schulyer, and the petition as considered under 37 C.F.R. §1.181 is **granted**, and the Notice of 1 June, 2006, is **vacated**.

The instant application is released to Technology Center 3600 mfor further processing–to wit: the re-mailing of the final Office action–in due course.

---

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.)

* * *

[10] The regulations at 37 C.F.R. §1.181 provide:

§ 1.181 Petition to the Director.

<>

(a) Petition may be taken to the Director:

(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]

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

ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE NC 28280-4000

COPY MAILED

OCT 25 2005

OFFICE OF PETITIONS

Applicant: Dolev et al.
Appl. No.: 10/847,774
Filing Date: May 18, 2004
Title: OPTICAL IMPLEMENTATION OF BOUNDED NON-DETERMINISTIC TURING MACHINES
Attorney Docket No.: 040990/278799
Pub. No.: US 2005/0013531 A1
Pub. Date: January 20, 2005

This is a decision on the request for corrected of patent application publication under 37 CFR 1.221(b), filed on March 21, 2005 and the supplemental request filed on April 4, 2005, for the above-identified application.

The requests are DISMISSED.

Applicant requests that the application be republished because the patent application publication contains numerous material errors in formulas such as "*i*th" is misprinted as "*r*th" with a dot over the r and "4^{i-2}" is misprinted as "4^{r2}" with a dot over the r.

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 supplemental request for corrected publication received on April 4, 2005, was not timely filed under 37 CFR 1.221 (b).

The errors noted by requestor wherein the characters are misprinted are not material Office errors under 37 CFR 1.221. The errors in this published application are due to the poor quality of the text in the application. While the most of the text is legible, the text in some of the formulas is

[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 clear and blurry, as the letters are too close together and/or very small and some of which appear incomplete. Furthermore, other text in the application is also not clear, as some of the letters, numerals and symbols are very small and incomplete. Applicant is advised that he or she may want to file application papers that are clearer, as the errors are due to the quality of the text. The text in the application, which is very small and too close together, which makes it blurry and not clear, also makes it difficult to read and to electronically reproduce by digital imaging and optical character recognition

Applicant should file applications having larger text, which is cleaner and with sufficient clarity and contrast to permit reproduction to avoid errors in the patent application publication process. See 37 CFR 1.52.

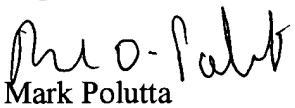
The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221 (a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the 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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

NIXON PEABODY, LLP
401 9TH STREET, NW
SUITE 900
WASHINGTON DC 20004-2128

COPY MAILED

JUN 11 2007

OFFICE OF PETITIONS

In re Application of :
JENSEN, SCOTT C. et al. :
Application No. 10/847,778 : DECISION ON PETITION
Filed: May 17, 2004 : TO WITHDRAW
Attorney Docket No. **039847-001000** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 09, 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 Donald L. Bartels on behalf of all attorneys of record who are associated. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Scott Jensen at the address indicated below

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **SCOTT JENSEN**
CEO
PENTRON TECHNOLOGIES
1962 ADELE PLACE
SAN JOSE, CA 95125

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

3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL, MN 55133-3427

Mail Date: 04/20/2010

Applicant	: Brant U. Kolb	: DECISION ON REQUEST FOR
Patent Number	: 7649029	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/847,782	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/17/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **628** 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. 052605

GIFFORD, KRASS, GROH, SPRINKLE
& CITKOWSKI, P.C.
PO BOX 7021
TROY, MI 48007-7021

MAY 3 1 2005

In re Application of:
Patrick Zuili
Serial No.: 10/847,794
Filed: May 18, 2004
Attorney Docket No.: **BSM-10005/29**

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 October 25, 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 John Posa, on behalf of himself and all the attorneys/agents of record. There is no outstanding Office action at this time.

The request is **APPROVED**. There are no attorneys/agents of record at this time.

All future communications from the Office will be directed the below address, until otherwise notified by applicant.

Inquiries related to this decision should be directed to Edward Westin at (571) 272-1638.

Edward Westin

Edward Westin, Special Programs Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

cc: Serge Atlan
Brite Smart Corporation
320 Plaza Real, Suite 209
Boca Raton, FL 33432

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

COPY MAILED

APR 23 2007

OFFICE OF PETITIONS

SERGE ATLAN
BRITE SMART CORPORATION
320 PLAZA REAL , SUITE 209
BOCA RATON FL 33432

In re Application of
Patrick Zuili
Application No. 10/847,794
Filed: May 18, 2004
Attorney Docket No.

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed October 16, 2006, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement, mailed November 9, 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) was obtained. Accordingly, the application became abandoned on December 10, 2005.

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 $750; and (3) an adequate statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney document must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

Telephone inquiries concerning this decision should be directed to Terri Williams at (571) 272-2991.

The application file is being referred to Technology Center AU 2876 for appropriate action on the concurrently filed amendment.

Liana Walsh
Petitions Examiner
Office of Petitions

cc: **SILICON VALLEY PATENT AGENCY**
7394 WILDFLOWER WAY
CUPERTINO, CA 95014

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

OIPE
MAY 07 2007
PATENT & TRADEMARK OFFICE

COPY MAILED

APR 23 2007

OFFICE OF PETITIONS

SERGE ATLAN
BRITE SMART CORPORATION
320 PLAZA REAL , SUITE 209
BOCA RATON FL 33432

In re Application of
Patrick Zuili
Application No. 10/847,794
Filed: May 18, 2004
Attorney Docket No.

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed October 16, 2006, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement, mailed November 9, 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) was obtained. Accordingly, the application became abandoned on December 10, 2005.

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 $750; and (3) an adequate statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney document must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

Telephone inquiries concerning this decision should be directed to Terri Williams at (571) 272-2991.

The application file is being referred to Technology Center AU 2876 for appropriate action on the concurrently filed amendment.

Liana Walsh
Petitions Examiner
Office of Petitions

cc: **SILICON VALLEY PATENT AGENCY**
7394 WILDFLOWER WAY
CUPERTINO, CA 95014

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SILICON VALLEY PATENT AGENCY
7394 WILDFLOWER WAY
CUPERTINO, CA 95014

COPY MAILED

APR 07 2008

OFFICE OF PETITIONS

In re Application of :
Patrick ZUILI :
Application No. 10/847,794 : DECISION ON PETITION
Filed: May 18, 2004 : TO WITHDRAW
Attorney Docket No. BMS-10005/29 : FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed February 1, 2008 and March 12, 2008.

The request is **APPROVED**.

A review of the file record indicates that Joe Zheng does not have power of attorney in this patent application. Joe Zheng 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).

The correspondence address of record has been changed and the new correspondence address is the address indicated below until otherwise properly notified by the applicant.

There are no outstanding Office actions pending at the present time.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: PATRICK ZUILI
20077 PALM ISLAND DRIVE
BOCA RATON, FL 33498

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
10/847,794	05/18/2004	Patrick Zuili	BSM-10005/29

CONFIRMATION NO. 2972

POWER OF ATTORNEY NOTICE

26797
SILICON VALLEY PATENT AGENCY
7394 WILDFLOWER WAY
CUPERTINO, CA 95014

Date Mailed: 03/28/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/12/2008.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/dcgoodwyn/

Office of Initial Patent Examination (571) 272-4000 or 1-800-PTO-9199

UNITED STATES PATENT AND TRADEMARK OFFICE

PATRICK ZUILI
20077 PALM ISLAND DRIVE
BOCA RATON FL 33498

In re Application of	:	
Patrick Zuili	:	**DECISION ON PETITION**
Application No. 10/847,794	:	
Filed: 05/18/2004	:	
Attorney Docket No. **N/A**	:	

This is a decision on the l Petition to Withdraw the Holding of Abandonment under 37 C.F.R 1.81 (a) received in the USPTO on March 17, 2009.

The petition is **GRANTED**.

The application was held abandoned for failure to timely submit corrected drawings or amend the specification as required by the Notice of Drawing Inconsistency with Specification, mailed December 30, 2008 which set forth a one (1) month statutory period for reply. The Notice of Abandonment was mailed on February 17, 2009.

Petitioner states that the Notice of Drawing Inconsistency with Specification was not received at the address of record. As a pro se inventor, the petitioner does not keep a docket record to show mail receipts at the correspondence address. Instead the petitioner has offered, as evidence, the fact that all previous submissions were timely filed, the issue and publication fees had been submitted and that petitioner keeps any mail from the USPTO in a specific box in order to respond timely to any communication from the USPTO. In addition, the drawing or amendment requirement with regard to Figure 10 has been submitted with the instant petition.

A Petition to Withdraw the Holding of Abandonment Based on Failure to Receive an Office Action (MPEP 711.03(c)) is grantable upon receipt of the Petition including a statement attesting to the non-receipt of the office action and either provide a docket of mail receipts or other evidence and provide the response required. Petitioner has provided a statement attesting to the non-receipt of the office action, evidence of non-receipt and an authorization to correct the drawing figure.

The application will be forwarded to the Publications Branch for processing.

Telephone inquires relating to this matter may be directed to the undersigned in the Office of Data Management at 571-272-4200.

Kimberly Terrell, Manager
Office of Data Management
Publications Branch

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

HOWARD & HOWARD ATTORNEYS, P.C.
THE PINEHURST OFFICE CENTER, SUITE #101
39400 WOODWARD AVENUE
BLOOMFIELD HILLS MI 48304-5151

COPY MAILED

JUN 23 2008

OFFICE OF PETITIONS

In re Patent No. 7,237,996 :
Issued: July 3, 2007 : DECISION ON APPLICATION FOR
Application No. 10/847,795 : PATENT TERM ADJUSTMENT
Filed: May 18, 2004 :
Dkt. No.: 60,152-1018 :

This is a decision on the "REQUEST FOR CERTIFICATE OF CORRECTION UNDER 37 C.F.R. 1.322," filed August 9, 2007. This matter is being properly treated as an application for patent term adjustment under 37 CFR 1.705(d).

The application for patent term adjustment ("PTA") under 37 CFR 1.705(d) is **DISMISSED**.

The above-identified application matured into U.S. Patent No. 7,237,996 on July 3, 2007. The instant request for reconsideration was timely filed in accordance with 37 CFR 1.705(d). The patent issued with a PTA of 238 days. Patentees argue that the patent term adjustment was reduced from 240 days to 238 days in error.

An adjustment of 259 days under 37 CFR 1.702(a)(1) can be attributed to the Office.

The adjustment of 259 days was properly reduced a total of 21 days for applicants failure to engage in reasonable efforts to conclude prosecution.

A reduction of 19 days under 37 CFR 1.704(b) was assessed in connection with the amendment after final rejection filed January 30, 2007. This reduction is not subject to the instant application for patent term adjustment, the reduction having accrued prior to allowance. *See*, 37 CFR 1.705(d).

A further reduction of two days under 37 CFR 1.704(b) was assessed in connection with the submission of the issue fee payment on February 27, 2007. The reduction commenced May 28,

2007, the day after the date that is three months after the date that the Notice of Allowance was mailed on February 27, 2007, and ended May 29, 2007, the date that the issue fee was received. Patentees are advised that the date indicated on any certificate of mailing or transmission under § 1.8 is not taken into account in the calculation of patent term adjustment. *See*, 37 CFR 1.703(f) and MPEP 2731.

In view thereof, at the time of issuance, the patent was entitled to an adjustment of 238 days, as indicated thereon.

Any request for reconsideration of this decision must be submitted within two months of the mail date of the instant decision. The time period for reconsideration may not be extended pursuant to 37 CFR 1.136.

The required application for patent term adjustment fee of $200.00 has been charged to patentees deposit account as authorized.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205.

Kerry A. Fries

Kerry Fries
Senior Legal Advisor
Office of Patent Legal Administration
Office of 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

KOESTNER BERTANI LLP
18662 MACARTHUR BLVD
SUITE 400
IRVINE, CA 92612

COPY MAILED

MAR 11 2005

OFFICE OF PETITIONS

In re Application of :
Hesse :
Application No. 10/847,806 : Decision on Petition
Filed: May 18, 2004 :
Attorney Docket No. 1001.P003 USC2 :

This is a decision on the petition filed October 25, 2004, which is being treated as a petition under 37 CFR 1.53(e)(2), to establish that Figure 38 was part of the originally filed application.

For the reasons stated below, the petition must be **dismissed**.

The application was filed on May 18, 2004. On September 24, 2004, a Notice was mailed stating that Figure 38 described in the specification did not appear to be included as part of the application filed.

The USPTO file for this application includes only 59 sheets of drawings and does not include the single drawing sheet containing Figure 38 described in the specification.

The present petition is accompanied by a copy of a returned postcard receipt which acknowledges receipt of 60 sheets of drawings on May 18, 2004.[1]

Based on the evidence submitted, the Office concludes the missing page was part of the application but was later misplaced. Therefore, the petition would normally be granted.

Unfortunately, the Office has not located page 60 of the drawings and a copy of page 60 was not filed with the petition. As a result, the Office is unable to enter page 60 containing Figure 38 into the file for consideration by the examiner. The Office requests petitioner file a request for reconsideration along with a copy of Figure 38.

The Office will credit the $130 petition fee back to petitioner's deposit account.

The Notice mailed September 24, 2004 was sent in error and is hereby vacated.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are NOT permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.53."

---

[1] Evidence of receipt of any correspondence filed in the Patent and Trademark Office can be obtained by submitting a self addressed post card properly itemizing and identifying the paper or papers being filed. Upon receipt of the correspondence, the Patent and Trademark Office will check the listing on the post card against the papers submitted, making sure that all items listed are present and will then stamp the postcard with an Official date stamp and place the post card in the outgoing mail. "A post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all items listed thereon by the PTO." M.P.E.P. § 503.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By facsimile: (703) 872-9306
Attn: Office of Petitions

If a request for reconsideration is filed, and a decision on the new petition is not received within three months, petitioner may wish to call the number below to check on the status of the renewed petition.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

KOESTNER BERTANI LLP
18662 MACARTHUR BLVD
SUITE 400
IRVINE, CA 92612

COPY MAILED

JUL 11 2005

OFFICE OF PETITIONS

In re Application of :
Hesse :
Application No. 10/847,806 : Decision on Petition
Filed: May 18, 2004 :
Attorney Docket No. 1001.P003 USC2 :

This is a decision on the renewed petition filed March 24, 2005, under 37 CFR 1.53(e)(2), to establish that Figure 38 was part of the originally filed application.

The petition is **granted**.

As stated in the decision mailed March 11, 2005, petitioner has proven that Figure 38 was filed on May 18, 2004. Petitioner has now submitted a copy of Figure 38.

The Office of Initial Patent Examination will be informed of the instant decision and will further process the application with a filing date of May 18, 2004, using the application papers filed on May 18, 2004, and the copy of Figure 38 filed on March 24, 2005.

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
www.uspto.gov

CORNING CABLE SYSTEMS LLC
PO BOX 489
HICKORY, NC 28603

COPY MAILED

MAY 26 2006

OFFICE OF PETITIONS

In re Application of Parsons et al. :
Application No. 10/847,807 : Decision on Petition
Filing Date: May 18, 2004 :
Attorney Docket No. C0025B :

This is a decision on the petition under 37 CFR 1.181, filed March 29, 2006, to withdraw the holding of abandonment.

The petition is **granted.**

The above-identified application became abandoned for failure to submit the issue fee and publication fee in a timely manner in reply to the Notice of Allowance mailed October 20, 2005, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on January 20, 2006. A Notice of Abandonment was mailed on March 22, 2006.

Petitioner contends the Notice of Allowance was never received.

Petitioner has provided evidence sufficient to demonstrate non-receipt of the Notice of Allowance. Since petitioner did not receive the Notice of Allowance, it is presumed that the Notice of Allowability, Examiner's amendment, Reasons for Allowance, and Form PTO-1499 were also not received since they were mailed with the Notice of Allowance.

The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

Technology Center Art Unit 2839 will be informed of the instant decision. Thereafter, the Technology Center's technical support staff will mail a new Notice of Allowance, Notice of Allowability, Examiner's Amendment, Reasons for Allowance, and Form PTO-1499. The time period for responding to the new Notices will be set to run from the mailing date of the new Notices.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

YAHOO C/O MOFO PALO ALTO
755 PAGE MILL ROAD
PALO ALTO, CA 94304

MAILED

MAY 13 2010

OFFICE OF PETITIONS

In re Application of	:	
Chand et al.	:	DECISION ON PETITION
Application No. 10/847,838	:	TO WITHDRAW
Filed: May 17, 2004	:	FROM RECORD
Attorney Docket No. 085804.700400	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 17, 2010.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that on April 20, 2010 the power of attorney to YAHOO C/O MOFO PALO ALTO 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: YAHOO! INC. C/O GREENBERG TRAURIG, LLP
MET LIFE BUILDING
200 PARK AVENUE
NEW YORK NY 10166

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

GARY J. MORRIS
2026 GLENMARK AVENUE
MORGANTOWN, WV 26505-2900

COPY MAILED

JAN 10 2006

OFFICE OF PETITIONS

In re Application of :
Morris, Gary Jay :
Application No. 10/847,841 :
Filed: May 18, 2004 :
Title: AMBIENT CONDITION DETECTOR :
WITH TIME DELAYED FUNCTION

ON PETITION

This is a decision on the petition under 37 CFR §1.102(d), filed December 12, 2005, 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 2636 for expedited prosecution.

Amelia Au
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FISH & NEAVE IP GROUP
ROPES & GRAY LLP
1251 AVENUE OF THE AMERICAS FL C3
NEW YORK NY 10020-1105

COPY MAILED

AUG 31 2006

OFFICE OF PETITIONS

In re Application of :
Krishan, et al. :
Application No. 10/847,844 : DECISION ON PETITION
Filed: May 17, 2004 : TO WITHDRAW
Attorney Docket No. SSI-2 : 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 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 Edward M. Arons on behalf of all attorneys of record who are associated with customer No. 01473.

All attorneys/agents associated with the Customer Number 01473 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 Joe Smith at the address indicated below.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

Telephone inquiries concerning this decision should be directed to April Wise at 571-272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: Baldev Krishan
1450 Washo Drive
Fremont, CA 94539

cc: Shimon Systems, Inc.
2870 Zanker Road
Suite 100
San Jose, CA 95134

UNITED STATES 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.

MACPHERSON KWOK
CHEN & HEID LLP
2033 GATEWAY PLACE
SUITE 400
SAN JOSE CA 95110

COPY MAILED

OCT 0 2 2006

OFFICE OF PETITIONS

In re Patent No. 7,057,231	:	DECISION ON
Yi Ding	:	REQUEST FOR RECONSIDERATION
Issue Date: June 6, 2006	:	OF
Application No. 10/847,850	:	PATENT TERM ADJUSTMENT
Filed: May 17, 2004	:	and
Atty Docket No. M-12781-1D US	:	NOTICE OF INTENT TO ISSUE
	:	CERTIFICATE OF CORRECTION

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT 37 CFR 1.705(d)," filed August 4, 2006. Patentee requests that the patent term adjustment indicated in the patent be corrected from zero (0) days to eighty-four (84) days.

The request for reconsideration of patent term adjustment is **GRANTED**.

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 eighty-four (84) days.

On June 6, 2006, the above-identified application matured into U.S. Patent No. 7,057,231, with a revised patent term adjustment of 0 days. On August 4, 2006, patentee timely submitted this request for reconsideration of patent term adjustment (with required fee), asserting that the correct number of days of Patent Term Adjustment is 84 days. Patentee disputes the reduction of 120 days associated with the filing on November 14, 2005, of an Information Disclosure Statement after the mailing of the notice of allowance. Patentee states that in fact a "Request to Return Initialed Form PTO-1449" pertaining to two

information disclosure statements filed respectively on June 7, 2005 (dated June 9, 2005) and September 29, 2005 (dated October 3, 2005).

Patentee's arguments and evidence have been considered, and found persuasive. A review of the record reveals that on November 14, 2005 applicants made a Request for an Initialed IDS, supplying copies of the IDS filed prior to the mailing of the notice of allowance. Under the circumstances the filing on November 14, 2005 of the IDS along with a letter requesting return of an initialed IDS should not be considered "a failure to engage in reasonable efforts" to conclude processing or examination of an application and should not result in reduction of the patent term adjustment pursuant to 37 CFR 1.704(c)(10). The Notice of Allowance, the first Office communication after the filing of the IDSs, did not reference them. The Communication filed November 14, 2005, requesting the IDS be initialed was the first opportunity by applicants to address the matter. Thus, the reduction of 120 days associated with the filing of this paper is not warranted.

In view thereof, the patent should have issued with a patent term adjustment of 84 days.

Receipt of the $200.00 fee set forth in 37 CFR 1.18(e) is acknowledged. 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 **EIGHTY-FOUR (84)** 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 : 7,057,231 B2

DATED : June 6, 2006

INVENTOR(S) : Ding 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 (0) days

Delete the phrase "by 0" and insert – by 84 days--

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.
1800 DIAGONAL ROAD
SUITE 370
ALEXANDRIA VA 22314

MAIL

MAY 0 4 2005

DIRECTOR OFFICE
TECHNOLOGY CENTER 2100

In re Application of: Fujibayashi
Application No. 10/847,869
Filed: May 19, 2004
For: STORAGE SYSTEM

DECISION ON PETITION
TO MAKE SPECIAL
(ACCELERATED EXAMINATION)
UNDER M.P.E.P. §708.02 (VIII)

This is a response to the petition filed 25 March 2005, under 37 C.F.R. §1.102(d) and M.P.E.P. §708.02 (VIII): Accelerated Examination, to make the above-identified application special.

The Petition is **DISMISSED**.

M.P.E.P. §708.02, Section VIII which sets out the prerequisites for a grantable petition for Accelerated Examination under 37 C.F.R. §1.102(d) states in relevant part:

A new application (one which has not received any examination by the examiner) may be granted special status provided that applicant (and this term includes applicant's attorney or agent) complies with each of the following items:

(a) Submits a petition to make special accompanied by the fee set forth in **37 CFR 1.17(h)**;

(b) Presents all claims directed to a single invention, or if the Office determines that all the claims presented are not obviously directed to a single invention, will make an election without traverse as a prerequisite to the grant of special status;

(c) Submits a statement(s) that a pre-examination search was made, listing the field of search by class and subclass, publication, Chemical Abstracts, foreign patents, etc. The pre-examination search must be directed to the invention as claimed in the application for which special status is requested. A search made by a foreign patent office satisfies this requirement;

(d) Submits one copy each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and

(e) Submits a detailed discussion of the references, which discussion points out, with the particularity required by 37 CFR 1.111 (b) and (c), how the claimed subject matter is patentable over the references.

In those instances where the request for this special status does not meet all the prerequisites set forth above, **applicant will be notified and the defects in the request will be stated.** The application will remain in the status of a new

application awaiting action in its regular turn. In those instances where a request is defective in one or more respects, applicant will be given one opportunity to perfect the request in a renewed petition to make special. If perfected, the request will then be granted. If not perfected in the first renewed petition, any additional renewed petitions to make special may or may not be considered at the discretion of the Technology Center (TC) Special Program Examiner.

The petition filed 25 March 2005 fails to adequately meet requirement (e) of the criteria set forth above. The discussion of the references does not point out with the particularity required by 37 CFR 1.111(b) and (c) how the claimed subject matter is patentable over the references. The discussion fails to specifically point out how the language of claims 32 and59 patentably distinguishes them from the references. The language purported to be in claims 32 and 59, "a first information that represents a condition *of resources included in a control unit*" (emphasis added), does not appear in these claims. Clarification is required.

Petition to Make Special **DISMISSED**.

Petitioner is given one opportunity to perfect the petition. Any request for reconsideration must be filed within TWO MONTHS of the mail date of this decision.

Until the renewed petition is submitted, the application will be returned to the examiner's docket to await treatment on the merits in the normal order of examination.

Pinchus M. Laufer
Special Program Examiner
Technology Center 2100
Computer Architecture, Software and Information Security
571-272-3599

ds

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

MAIL

AUG 29 2005

DIRECTOR OFFICE
TECHNOLOGY CENTER 2100

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.
1800 DIAGONAL ROAD
SUITE 370
ALEXANDRIA VA 22314

In re Application of: Fujibayashi
Application No. 10/847,869
Filed: May 19, 2004
For: STORAGE SYSTEM

DECISION ON PETITION
TO MAKE SPECIAL
(ACCELERATED EXAMINATION)
UNDER M.P.E.P. §708.02 (VIII)

This is a response to the renewed petition filed 01 July 2005, under 37 C.F.R. §1.102(d) and M.P.E.P. §708.02 (VIII): Accelerated Examination, to make the above-identified application special.

The renewed petition was filed in response to a dismissal of the original petition filed 25 March 2005. The petition was dismissed for failure to provide a detailed discussion of the references, which discussion points out with the particularity required by 37 CFR 1.111(b) and (c), how the claimed subject matter is patentable over the references.

Applicants' submission filed 01 July 2005 corrects the deficiency noted in the original decision. The combined submissions meet all the criteria set out above. Accordingly, the petition is **GRANTED**.

The application file is being forwarded to the Examiner of Record for accelerated examination according to the procedures set forth in MPEP § 708.02, Section VIII.

Pinchus M. Laufer
Special Program Examiner
Technology Center 2100
Computer Architecture, Software and Information Security
571-272-3599

ds

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FOLEY AND LARDNER
SUITE 500
3000 K STREET NW
WASHINGTON, D.C. 20007

COPY MAILED

JUN 3 0 2005

OFFICE OF PETITIONS

In re Application of :
Chiou, et al. :
Application No. 10/847,873 : ON PETITION
Filed: May 19, 2004 :
Attorney Docket No. 089048-0308 :

This is a decision on the papers styled, "Petition and Response to Notice of Incomplete Nonprovisional Application," filed June 7, 2005, which has been treated as a petition under 37 CFR 1.53, requesting that the above-identified application be accorded a filing date of May 19, 2004, including the specification, declaration and five (5) sheets of drawings.

The application was submitted on May 19, 2004. However, on May 27, 2005, 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 specification, declaration and drawings were missing.

In response, on June 7, 2005, the instant petition was submitted. Petitioner argues that 12 pages of specification (including claims and abstract), five (5) sheets of drawings and a declaration were filed on May 19, 2004. In support, the instant petition is accompanied by a copy of applicant's postcard receipt that acknowledges receipt of "Patent Application Specification (12 pgs.)," "Declaration and Power of Attorney (5 pgs.)," and "Formal Drawings (5 sheets)" on May 19, 2004. A review of the application file indicates the presence of zero (0) pages of specification, drawings and declaration filed on May 19, 2004. It is assumed that missing specification and declaration and missing sheets of drawings were misplaced by the Office.

In view of the above, the petition is granted.

The petition fee will be refunded to deposit account no. 19-0741.

This application will be returned to OIPE for further processing with a filing date of May 19, 2004, and issuance of a corrected filing receipt, using the twelve pages of specification, eight (8) sheets of drawings, and the declaration, supplied on June 7, 2005.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3228.

Edward J. Tannouse
Petitions Attorney
Office of Petitions/Patent
United States Patent and Trademark Office

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.
1800 DIAGONAL ROAD
SUITE 370
ALEXANDRIA VA 22314

MAILED

DEC 14 2005

TECHNOLOGY CENTER 2100

In re Application of: TANAKA, et al.
Application No. 10/847,881
Filed: May 19, 2004
For: DATA TRANSFER SWITCH

DECISION ON PETITION
TO MAKE SPECIAL
(ACCELERATED EXAMINATION)
UNDER M.P.E.P. §708.02 (VIII)

This is a response to the petition filed 05 October 2005 under 37 C.F.R. §1.102(d) and M.P.E.P. §708.02 (VIII): Accelerated Examination, to make the above-identified application special.

The Petition is **DISMISSED**.

M.P.E.P. §708.02, Section VIII which sets out the prerequisites for a grantable petition for Accelerated Examination under 37 C.F.R. §1.102(d) states in relevant part:

A new application (one which has not received any examination by the examiner) may be granted special status provided that applicant (and this term includes applicant's attorney or agent) complies with each of the following items:

(a) Submits a petition to make special accompanied by the fee set forth in **37 CFR 1.17(h)**;

(b) Presents all claims directed to a single invention, or if the Office determines that all the claims presented are not obviously directed to a single invention, will make an election without traverse as a prerequisite to the grant of special status;

(c) Submits a statement(s) that a pre-examination search was made, listing the field of search by class and subclass, publication, Chemical Abstracts, foreign patents, etc. The pre-examination search must be directed to the invention as claimed in the application for which special status is requested. A search made by a foreign patent office satisfies this requirement;

(d) Submits one copy each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and

(e) Submits a detailed discussion of the references, which discussion points out, with the particularity required by 37 CFR 1.111 (b) and (c), how the claimed subject matter is patentable over the references.

In those instances where the request for this special status does not meet all the prerequisites set forth above, **applicant will be notified and the defects in the request will be stated**. The application will remain in the status of a new application awaiting action in its regular turn. In those instances where a request is defective in one or more respects, applicant will be given one opportunity to perfect the request in a renewed petition to make special. If perfected, the request will then be granted. If not perfected in the first renewed petition, any additional renewed petitions to make special may or may not be considered at the discretion of the Technology Center (TC) Special Program Examiner.

The petition filed 05 October 2005 fails to adequately meet requirement (e) of the criteria set forth above. The discussion of the references does not point out with the particularity required by 37 CFR 1.111(b) and (c) how the claimed subject matter is patentable over the references. The petition identifies a first feature of independent claim 16 and a second feature of independent claims 1, 8, 14, and 19. The petition states that the cited references fail to teach or suggest these features "in combination with the other limitations recited in the claims" (pages 3 and 9 of the petition). I.e., the petition purports that the entirety of each independent claim is not taught by any of the references most closely related. Such a statement is not a sufficient detailed description.

In addition, a statement is repeated for each reference deemed most closely related in the discussion of each reference on pages 5-8 of the petition in an attempt to distinguish how the claimed subject matter is patentable over the references. However, it is not clear how this statement distinguishes each independent claim from the references since this statement fails to mention any specific claims. Moreover, the features in the statement and the numbered features are of different scope. Further, the features in the statement are not a subset of the numbered features and the numbered features are not a subset of the features in the statement. Thus, the petition is confusing as to whether the highlighted features are intended to distinguish the references or whether the numbered features are intended to distinguish the references. Clarification is required.

Also, on page 4 of the petition, it is stated that "[t]o the extent applicable to the present Petition, Applicants submit that although the distinguishing feature(s) may represent a substantial portion of the claimed invention, the claimed invention including said feature(s) and their inter-operation provides a novel storage system and system and method related to or implemented in or by said storage system." It is not clear if the statement is applicable to the present petition or not. The language "to the extent applicable to the present Petition" gives no indication as to whether the statement actually applies in the instant application or not. Rather, this language is generic to practically any petition of this type and is not specific to the instant application. If the combination of elements referred to do in fact constitute a substantial portion of the claim, then this should be stated. Also, if the combination of elements is necessary because, e.g., there is a necessary interoperability among these elements, then this too should be stated and the reasons for the, e.g., necessary interoperability, discussed.

Finally, it is suggested that if the identical statement is being made to distinguish each reference from an independent claim, as in the instant petition, then the statement should simply be made once in the petition. (E.g., "Regarding independent claim 1, none of the references disclose . . . .")

Petition to Make Special **DISMISSED**.

Petitioner is given one opportunity to perfect the petition. Any request for reconsideration must be filed within TWO MONTHS of the mail date of this decision.

Until the renewed petition is submitted, the application will be returned to the examiner's docket to await treatment on the merits in the normal order of examination.

Pinchus M. Laufer
Special Program Examiner
Technology Center 2100
Computer Architecture, Software and Information Security
571-272-3599

ds

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : Aug. 25, 2005

TO SPE OF : ART UNIT 1711

SUBJECT : Request for Certificate of Correction on Patent No.: 6,906,166

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.

See IFW code Cocin, and Imis regarding structure changes!

Thank You For Your Assistance

sp
Certificates of Correction Branch
Tel. No. 703-308-9390 x120

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:

James Seidleck — **SPE**

1711 — **Art Unit**

BEST AVAILABLE COPY

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 1/25/07

Paper No.: _____

TO SPE OF : ART UNIT 1711 Siedleck, James (SPE)

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/847896 Patent No.: 6906166

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.**

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: _____

_____

_____

_____

_____

_____ 1796

SPE Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Carole Truesdale
Truesdale Law Office
642 Nightingale Blvd.
Stillwater MN 55082-5215

COPY MAILED

JUN 30 2005

OFFICE OF PETITIONS

In re Application of :
Pollasky :
Application No. 10/847,902 :
Filed: May 17, 2004 :
Attorney Docket No. 2401US02 :
For: ABRASIVE MATERIAL AND METHOD OF FORMING SAME

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed May 20, 2005 (certificate of mailing date May 17, 2005), to revive the above-identified application.

The petition is **granted**.

This application became abandoned for failure to timely reply to the Notice to File Missing Parts of Nonprovisional Application mailed July 16, 2004, which set a two month shortened statutory period for reply. No extensions of time having been obtained pursuant to 37 CFR 1.136(a), this application became abandoned on September 17, 2004 for failure to reply. A Notice of Abandonment was mailed on April 14, 2005.[1]

Petitioner has submitted a proper reply in form of the basic filing fee, an executed declaration, the surcharge for filing a late declaration, and replacement drawings, an acceptable statement regarding the unintentional nature of the delay in responding to the July 16, 2004 Notice, and the petition fee.

The file is being forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3230.

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

[1]The statement of unintentional delay presented in the petition does not comply with the current rule. Effective December 1, 1997, 37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional" be submitted. However, the statement presented will be accepted and construed as meaning that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." If this is an incorrect interpretation in view of the rules, petitioner is required to provide a statement to that effect.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WILHELM LAW SERVICE, S.C.
100 W LAWRENCE ST
THIRD FLOOR
APPLETON WI 54911

COPY MAILED

MAY 18 2005

OFFICE OF PETITIONS

In re Application of
Hendricks et al.
Application No. 10/847,905
Filed: May 18, 2004
Attorney Docket No. 29605-1

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed April 29, 2005, to revive the above-identified application.

This application became abandoned for failure to respond timely to the Notice to File Missing Parts of Nonprovisional Application mailed on July 16, 2004, which set a two-month extendable period to reply. The Notice required a signed oath or declaration and a surcharge for its late filing. Additionally, the Notice indicated that Figure 5b appeared to have been omitted. Petitioner did not obtain any extensions of time to respond to the Notice. Accordingly, this application became abandoned on September 17, 2004. A Notice of Abandonment was mailed on April 14, 2005.

On April 29, 2005, petitioner submitted, *inter alia*, a signed "Declaration for Utility or Design Application Using an Application Data Sheet," Figure 5b (1 sheet, now included on replacement page 7 of the Drawings), and paid the requisite fees.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Accordingly, the petition is **granted.**

However, Figure 5b will not be entered at this time. The Notice instructed petitioner that should petitioner contend that the figure was, in fact, deposited in the U.S. Patent and Trademark Office (USPTO) on May 18, 2004, a petition and the $400.00 petition fee (which will be refunded if it is determined that the figure was, in fact, received by the USPTO) with evidence of such deposit must be filed within two months of the date of the Notice. The Notice further instructed petitioner that if petitioner desired to supply the figure and accept the date the figure was filed in the USPTO as the filing date, the figure, a petition under 37 CFR 1.182, requesting that the filing date be corrected to correspond to the date the figure was filed in the Office and the $400.00 petition fee must be filed within two months of the date of the Notice. Lastly, the Notice advised petitioner that the failure to

file a petition and petition fee under the options listed above within two months of the date of the Notice (37 CFR 1.181(f)) would be treated as a constructive acceptance by petitioner of the application as deposited on May 18, 2004. The Notice indicated that the two-month period was not extendable under 37 CFR 1.136(a) or (b) and in the absence of a timely petition, the application would maintain the filing date of May 18, 2004, and the original disclosure of the application would include only those papers present in the USPTO on that date.

A review of the record does not indicate that petitioner submitted a petition under 1.182 with the requisite petition fee, as stated in the Notice. Therefore, Figure 5b will not be entered at this time. The examiner will review Figure 5b and make a determination of new matter.

This matter is being referred to the Office of Initial Patent Examination to restore the application to pending status, and to accord the application a filing date of May 18, 2004, using **only** the Figures submitted on that date. Figure 5b will **not** be entered at this time.

Further correspondence with respect to this matter should be addressed as follows and **to the attention of Senior Petitions Attorney Christina Tartera Donnell:**

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: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.
1800 DIAGONAL ROAD
SUITE 370
ALEXANDRIA VA 22314

MAILED

NOV - 8 2005

Technology Center 2100

In re Application of: NAKASUKA, et al.
Application No. 10/847,915
Filed: May 19, 2004
For: STORAGE MANAGEMENT METHOD AND SYSTEM

DECISION ON PETITION
TO MAKE SPECIAL
(ACCELERATED EXAMINATION)
UNDER M.P.E.P. §708.02 (VIII)

This is a response to the petition filed 05 October 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.

Applicant's submission meets all the criteria set out above. Accordingly, the petition is **GRANTED**.

The application file is being forwarded to the Examiner of Record for accelerated examination according to the procedures set forth in MPEP § 708.02, Section VIII.

Pinchus M. Laufer
Special Program Examiner
Technology Center 2100
Computer Architecture, Software and Information Security
571-272-3599

ds

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK NY 10112

COPY MAILED

NOV 2 2 2006

OFFICE OF PETITIONS

In re Application of :
Toshima :
Application No. 10/847,916 : ON PETITION
Filed: May 19, 2004 :
Attorney Docket No. 00862.023584 :
For: DOCUMENT SEARCH METHOD AND APPARATUS

This is a decision on the petition under 37 CFR 1.183 to waive 37 CFR 1.84(p)(2), which requires that in drawing figures, the English alphabet be used for letters, except where another alphabet is customarily used.

The petition is **GRANTED**.

In a June 22, 2006 non-final Office action, Figures 2A, 3A, 11A, 13A, 14, and 16 were objected to because Japanese characters were present. Petitioner argues that in a disclosed embodiment, character recognition is applied to Japanese characters, and there is express mention in the specification of processing the Japanese language. In petitioner's view, the figures containing Japanese characters permit applicant to communicate the invention and are the best and clearest way of communicating the preferred embodiments.

Petitioner has shown (1) that this is an extraordinary situation where (2) justice requires waiver of the rule. *In re Sivertz*, 227 U.S.P.Q. 255, 256 (Comm'r Pat. 1985).

After the mailing of this decision, the application will be forwarded to Technology Center A.U. 2169 to await receipt of a response to the June 22, 2006 non-final Office action.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.
1800 DIAGONAL ROAD
SUITE 370
ALEXANDRIA VA 22314

MAIL

SEP 2 1 2005

DIRECTOR OFFICE
TECHNOLOGY CENTER 2100

In re Application of: YAMAMOTO
Application No. 10/847,920
Filed: May 19, 2004
For: TEMPORARY STORAGE CONTROL SYSTEM AND METHOD FOR INSTALLING FIRMWARE IN DISK TYPE STORAGE DEVICE BELONGING TO STORAGE CONTROL SYSTEM

DECISION ON PETITION
TO MAKE SPECIAL
(ACCELERATED EXAMINATION)
UNDER MPEP §708.02 (VIII)

This is a response to the petition filed 11 August 2005, under 37 CFR §1.102(d) and MPEP §708.02 (VIII): Accelerated Examination, to make the above-identified application special.

The Petition is **GRANTED**.

MPEP §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.

Applicant's submission meets all the criteria set out above. Accordingly, the petition is **GRANTED**.

The application file is being forwarded to the Examiner of Record for accelerated examination according to the procedures set forth in MPEP § 708.02, Section VIII.

Pinchus M. Laufer
Special Program Examiner
Technology Center 2100
Computer Architecture, Software and Information Security
571-272-3599

ds

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/847,923	05/18/2004	Rishi Bhatia	063170.8138	4708

5073 7590 11/18/2009

BAKER BOTTS L.L.P.
2001 ROSS AVENUE
SUITE 600
DALLAS, TX 75201-2980

EXAMINER	
BOUTAH, ALINA A	

ART UNIT	PAPER NUMBER
2443	

NOTIFICATION DATE	DELIVERY MODE
11/18/2009	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):

ptomail1@bakerbotts.com
glenda.orrantia@bakerbotts.com

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

MAILED

NOV 17 2009

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

Luke K. Pedersen
BAKER BOTTS L.L.P.
2001 ROSS AVENUE
SUITE 600
DALLAS TX 75201-298

In re Application of: BHATIA, Rishi
Application No. **10/847,923**
Filed: May 18, 2004
Atty No. Docket No. 063170.8138
Title of Invention: SYSTEM AND METHOD FOR FILTERING NETWORK MESSAGES

DECISION ON PETITION FOR EXPUNGING INFORMATION UNDER UNDER 37 CFR § 1.59

This is a decision on a petition under 37 CFR § 1.59(b), filed on October 27, 2009, to expunge Information Disclosure Statement (IDS) filed October 7, 2009 from the above identified application.

The petition is **GRANTED**.

Petitioner requests that the information listed in IDS, above mentioned, be expunged from the record. Petitioner states that the information submitted in error. The petition fee set forth in 37 CFR 1.17(g) has been paid.

The information in question has removed from the image file wrapper (IFW).

Any inquiry regarding this decision should be directed the undersigned whose telephone number is (571) 272-3902.

/bp/

/Beatriz Prieto/

Beatriz Prieto, Quality Assurance Specialist
Technology Center 2400
Network, Multiplexing, Cable and Security

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P. O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK, NJ 08933-7003

COPY MAILED

AUG 3 0 2005

OFFICE OF PETITIONS

In re Application of :
David S. Chase et al :
Application No. 10/847,951 : ON PETITION
Filed: May 14, 2004 :
Attorney Docket No. PPC-5071 :

This is a decision on the petition under 37 CFR 1.137(b), filed July 22, 2005, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed September 2, 2004. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extension of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on November 3, 2004.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to the Initial Patent Examination Unit.

Irvin Dingle
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

PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK NJ 08933-7003

COPY MAILED

MAR 2 5 2008

OFFICE OF PETITIONS

In re Application of	:	
Chase et al.	:	
Application No. 10/847,951	:	DECISION ON PETITION
Filed: May 14, 2004	:	
Attorney Docket No. PPC-5071	:	

This is a decision on the petition under the unavoidable provisions of 37 CFR 1.137(a), filed March 7, 2008, to revive the above-identified application.

The petition is **DISMISSED.**

Any further petition to revive must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)." This is **not** a final agency action within the meaning of 5 U.S.C.§ 704.

This above-identified application became abandoned for failure to timely file a complete reply to the final Office Action of November 17, 2006. An amendment and two month extension of time were filed on April 17, 2007. In response to the amendment, a Notice of Non-Compliant Amendment (37 CFR 1.121) was mailed on July 5, 2007, which set an extendable reply period of one month. A timely reply to the Notice of Non-Compliant Amendment was not received. This application became abandoned on August 6, 2007. A Notice of Abandonment was mailed on February 11, 2008.

Pursuant to petitioner's request, deposit account no. 10-0750 will be charged the $510.00 petition fee.

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 Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d). The instant petition lacks item (3).

As to item (3), petitioner has failed to provide any explanation as to why the submission of the reply to the Non Compliant Amendment was unavoidably delayed.

The showing of record is not sufficient to establish to the satisfaction of the Director that the delay was unavoidable within the meaning of 35 U.S.C. § 133 and 37 CFR 1.137(a). *See* MPEP 711(c)(III)(C)(2) for a discussion of the requirements for a showing of unavoidable delay.

If petitioner cannot provide the evidence necessary to establish unavoidable delay, or simply does not wish to, petitioner may wish to consider filing a petition stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of the issue fee was "unavoidable." This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b). An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the $1540.00 petition fee.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

Further correspondence with respect to this matter should be addressed as follows:

By Mail:
Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand:
U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By facsimile:
(571) 273-8300
Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Petitions Attorney
Office of Petitions

Best Available Copy

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK NJ 08933-7003

COPY MAILED

SEP 15 2008

In re Application of :
Chase et al. :
Application No. 10/847,951 : DECISION ON PETITION
Filed: May 14, 2004 :
Attorney Docket No. PPC-5071 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 22, 2008, to revive the above-identified application.

The petition is **GRANTED**.

This above-identified application became abandoned for failure to timely file a complete reply to the final Office Action of November 17, 2006. An amendment, RCE and two- month extension of time were filed on April 17, 2007. In response to the amendment, a Notice of Non-Compliant Amendment (37 CFR 1.121) was mailed on July 5, 2007, which set an extendable reply period of one month. A timely reply to the Notice of Non-Compliant Amendment was not received. This application became abandoned on August 6, 2007. A Notice of Abandonment was mailed on February 11, 2008. A petition filed under 37 CFR 1.137(a) was dismissed on March 25, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a specification, amendment, claims and drawings, (2) the petition fee of $1540, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

This application is being referred to Technology Center AU 3761 for appropriate action by the Examiner in the normal course of business on the reply received March 7, 2008.

Charlema Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

PHILIP S JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK NJ 08933-7003

COPY MAILED

DEC 0 3 2009

OFFICE OF PETITIONS

In re Application of :
Chase, et al. :
Application No. 10/847,951 : ON PETITION
Filed: May 14, 2004 :
Attorney Docket No. PPC5071USNP :

This is in response to the "PETITION FOR CHANGE IN NAME OF INVENTOR", filed August 13, 2009.

Applicants have requested to correct the name of inventor Erin Danyi to Erin Marsee. Applicants have included an affidavit from Marsee, setting forth the procedure by which the name change was effected.

Accordingly, the request is **GRANTED**.

Office records have been changed to reflect the change in the inventor' name.

The application is being forwarded to Group Art Unit 3761.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

Enc: corrected filing receipt (3 pages)

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
10/847,951	05/14/2004	3761	1310	PPC5071USNP	26	5

CONFIRMATION NO. 4892

CORRECTED FILING RECEIPT

27777
PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK, NJ 08933-7003

OC00000039066924

Date Mailed: 12/03/2009

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

David J. Chase, Somerville, NJ;
Erin Marsee, Nicholasville, KY;
Tara Glasgow, New Hope, PA;

Power of Attorney: The patent practitioners associated with Customer Number 000027777

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 09/01/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 10/847,951**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Fluid management device with fluid transport element for use within a body

Preliminary Class

604

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign 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

COPY MAILED

NOV 0 6 2009

OFFICE OF PETITIONS

PHILIP S JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK NJ 08933-7003

In re Application of :
Chase, et al. :
Application No. 10/847,952 : ON PETITION
Filed: May 14, 2004 :
Attorney Docket No. PPC5070USNP :

This is in response to the "PETITION FOR CHANGE IN NAME OF INVENTOR", filed August 13, 2009.

Applicants have requested to correct the name of inventor Erin Danyi to Erin Marsee, and Julia Kozorovitsky to Julia K. Iris. Applicants have included an affidavit from both inventors, setting forth the procedure by which the name change was effected.

Accordingly, the request is **GRANTED**.

Office records have been changed to reflect the change in the inventors' names.

The application is being forwarded to Group Art Unit 3761 for consideration of the Appeal Brief, filed October 28, 2009.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

Enc: corrected filing receipt (3 pages)

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
10/847,952	05/14/2004	3761	900	PPC 5070	18	2

CONFIRMATION NO. 4893

CORRECTED FILING RECEIPT

27777
PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK, NJ 08933-7003

OC00000038605738

Date Mailed: 11/04/2009

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

David J. Chase, Somerville, NJ;
Erin Marsee, Nicholasville, KY;
Mari Hou, Hoboken, NJ;
Tara Glasgow, New Hope, PA;
Julia K. Iris, Langhorne, PA;
Jennifer Sturgeon, Long Valley, NJ;

Power of Attorney: The patent practitioners associated with Customer Number 000027777

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 07/16/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 10/847,952**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Intravaginal device with fluid transport plates

Preliminary Class

604

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign 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

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/847,954	05/18/2004	Ross James Cozens	17314-021001	4888

26231 7590 04/15/2010
FISH & RICHARDSON P.C.
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

EXAMINER	
CHEUNG, WILLIAM K	
ART UNIT	**PAPER NUMBER**
1796	

NOTIFICATION DATE	DELIVERY MODE
04/15/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

UNITED STATES 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

APR 15 2010

Mailed :

In re Application of : DECISION ON
Cozens et al. : PETITION
Serial No. 10/847,954 :
Filed: May 18, 2004
For: Method For Producing Peroxydicarbonates And Their Use In The Radical Polymerization Of Monomers

This is a decision on Appellants' Petition under 37 CFR 1.181 to request that the Notice of Non-Compliant Appeal Brief dated February 24, 2010 be withdrawn. The Examiner considered the Brief filed on December 3, 2009 to be defective because applicant is arguing features based on claims that have not been entered.

Applicant's representative contacted the Examiner on February 23, 2010 to request clarification of the reasons that the claims were held not to comply with the rules. The record indicates that the Examiner could not point out any specific instances in the Appeal Brief in which applicant cited claims that are based on the amendment after final of June 12, 2009 that has not been entered.

The Appeal Brief filed on December 3, 2009 is considered compliant.

DECISION

The petition is **GRANTED**.

The Examiner is directed to allow the application to proceed in the appeal process and to have the Notice of Non-Compliance withdrawn.

/JACQUELINE STONE/

Jacqueline M. Stone, Director
Technology Center 1700
Chemical and Materials Engineering

Eifion Phillips, J.D., D.Phil.

FISH & RICHARDSON P.C.
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

SPE P. Poon

SPE RESPONSE FOR CERTIFICATE OF CORRECTION 10/847,973

Paper No.: _____

DATE : 8/4/05

TO SPE OF : ART UNIT 3643

SUBJECT : Request for Certificate of Correction on Patent No.: 6901882

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within 7 days to:
Palm location **7580, Certificates of Correction Branch – South Tower – 9A22**
If response is for an IFW, **return to employee (named below) via PUBSCofC Team in MADRAS.**
With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction (COCIN)? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Lamonte M. Newsome

Thank You For Your Assistance

Certificates of Correction Branch
Tel. No. 703-305-8309

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

- ☒ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments:

PETER M. POON
SUPERVISORY PATENT EXAMINER

SPE

3643
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

TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

COPY MAILED

OCT 29 2004

OFFICE OF PETITIONS

In re Application of	:	
Michel Gilbert, et al.	:	
Application No. 10/847,983	:	ON PETITION
Filed: May 17, 2004	:	
Attorney Docket No. 019633-000124US	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3229.

Retta Williams

Retta Williams
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN NJ 08830

COPY MAILED

JAN 12 2007

OFFICE OF PETITIONS

In re Application of :
Perry R. Czimmek :
Application No. 10/848,000 : ON PETITION
Filed: May 19, 2004 :
Attorney Docket No. 2004P08158US :

This is a decision on the petition under 37 CFR 1.137(b)[1], filed December 13, 2006 to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned August 3, 2006 for failure to timely reply to the final Office Action mailed May 2, 2006, which set a three month period for response. The instant petition and this decision precede the mailing of the Notice of Abandonment.

Petitioner has submitted a Request for Continued Examination (RCE) and an amendment as the submission required under 37 CFR 1.114.

Additionally, however, there is no indication that petitioner herein was ever empowered to prosecute the instant application. If petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney documentation must be submitted. A courtesy copy of this decision is being mailed to petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary.

---

[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 matter is being referred to Technology Center 2832 for processing of the RCE. Telephone inquiries related to this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

cc:

CANAVAN & MONKA LLC
250 STATE ROUTE 28, SUITE 207
BRIDGEWATER, NJ 08807

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

October 16, 2006

Monplaisir Hamilton
SHOOK, HARDY & BACON, LLP
600 14th Street, N. W., Suite 800
Washington, DC 20005-2004

Patent No.: 7062402 B2
Application No.: 10/848001
Inventor(s): **Joseph D. Ternasky, et al.**
Issued: **June 13, 2006**
Title: **SYSTEM AND METHOD FOR AUTOMATIC TESTING OF OUTPUT DEVICE CAPABILITIES VIA ELECTRONIC DOCUMENT**

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.

Virginia Tolbert
For Cecelia Newman
Decisions & Certificate of Correction Branch
(703) 305-8309 or (703) **308-9390 ext 113**

vt

Best Available Copy

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

George Likourezos
Carter, DeLuca, Farrell & Schmidt, LLP
Suite 225
445 Broad Hollow Road
Melville, NY 11747

COPY MAILED

AUG 10 2005

OFFICE OF PETITIONS

In re Application of :
Patel et al. :
Application No. 10/848,022 :
Filed: May 18, 2004 : ON PETITION
Attorney Docket Number: :
1400-24 DIV CON (650BCON) :

This is a decision on the Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b), filed July 17, 2005. Applicant asserts that a response was timely received in the Office. As such, the petition is properly treated under 37 CFR 1.181. The petition under 37 CFR 1.137(b) will be treated in the alternative.

The petition under 37 CFR 1.181 is **dismissed.**

The petition under 37 CFR 1.137(b) is **granted.**

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed November 17, 2004. The Office action set a three (3) month period for reply, and provided for extensions of time under 37 CFR 1.136(a). No reply having been received, the application became abandoned on February 18, 2005. A Notice of Abandonment was mailed on June 14, 2005.

Applicant's Assertion

Applicant asserts that a timely response to the Office action in the form of an Amendment was filed on December 8, 2004, and matched with application serial number 10/948,022, instead of the above-identified application serial number 10/848,022. Applicant includes a copy of the Amendment.

A review of the Amendment reveals that the identifying date includes application serial number 10/948,022, instead of the above-identified application serial number 10/848,022.

The Manual of Patent Examining Procedure ("MPEP") § 502 provides the "[a] minor error in the identification of the application can be corrected by the Office provided the correct identification can be quickly discovered. Examples of minor errors are… typographical errors…."

A review of both the Amendment Transmittal Form and Cover Sheet filed with the Amendment reveal that not only is the application serial number incorrect, but the inventive entity, as indicated by the first named inventor on the Amendment Transmittal Form and Cover Sheet, also does not match with Office records. Further to this, a review of the oath/declaration filed with the application on May 18, 2004 reveals that the first-named inventor is Mehul Patel. Both the Amendment Transmittal Form and Cover Sheet filed with the amendment list the application number and inventive entity incorrectly. The application number on the Amendment Transmittal Form and Cover Sheet is 10/948,022, and the inventive entity is listed as Joseph et al[1].

As such, this Office has no means to quickly discover the correct identification of the application.

Accordingly, the petition under 37 CFR 1.181 (no fee) is dismissed, and the petition fee will not be refunded.

Applicant has, however, satisfied the requirements of a grantable petition under 37 CFR 1.137(b).

The application file is being referred to Technology Center Art Unit 2876 for processing of the Amendment 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

[1] Applicant also incorrectly lists the inventive entity on the instant petition.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/848,047	05/19/2004	Matthew Rubin Lerner	5486-0128PUS4	5358

67321 7590 04/01/2008

BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 GATEHOUSE ROAD
SUITE 100 EAST
FALLS CHURCH, VA 22040-0747

EXAMINER	
NGUYEN, MAIKHANH	

ART UNIT	PAPER NUMBER
2176	

MAIL DATE	DELIVERY MODE
04/01/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Michael E. Monaco
Michael K. Mutter
BIRCH, STEWART, KOLASCH &
BIRCH, LLP
8110 Gatehouse Road, Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747

In re Application of:
Matthew Rubin LERNER et al.
Appl. No.: 10/848,047
Filed: May 19, 2004
For: SYSTEM AND METHOD FOR ANNOTATING WEB-BASED DOCUMENT

DECISION ON PETITION
UNDER 37 CFR 1.59

This is a decision on the petition under 37 CFR 1.59(b), filed on 10 March 2008, to expunge the non-entered substitute specification submitted on 19 November 2007.

The petition is **GRANTED**.

Petitioner requests that the non-entered substitute specification submitted on 19 November 2007 be expunged from the record. Petitioner states that the substitute specification was improperly and unnecessarily filed. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

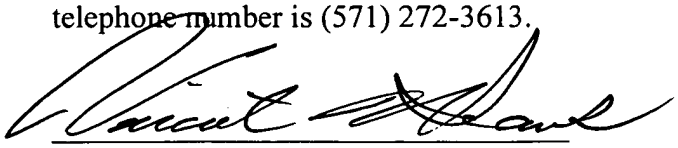
The expunged substitute specification has been closed from public view and will not be returned to applicant.

It is noted that the instant application has been published on 21 October 2004. Thus, the aforementioned substitute specification submitted on 19 November 2007 has already been made available to the public and subject to copying by the public. According, the Office cannot guarantee that the information being closed as a result of this decision was not previously accessed by the public.

It is further noted that the claim amendment filed on 19 November 2007 will be replaced by the amendment submitted on 10 March 2008.

Applicant is required to retain the expunged documents for the life of any patent, which issues on the above-identified application

Any inquiry concerning this decision should be directed to the undersigned whose telephone number is (571) 272-3613.



Vincent N. Trans, SPRE/QAS
Technology Center 2100
Computer Architecture, Software, and
Information Security

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BROWDY AND NEIMARK, PLLC
624 NINTH STREET, NW
SUITE 300
WASHINGTON, DC 20001-5303

COPY MAILED

OCT 0 4 2004

OFFICE OF PETITIONS

In re Application of :
Gil Drori et al :
Application No. 10/848,066 : NOTICE
Filed: May 19, 2004 :
Attorney Docket No. DRORI28 :

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 2182.

Wan Laymon
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

Mail Date: 04/20/2010

Applicant	: Shinichi Takeshima	: DECISION ON REQUEST FOR
Patent Number	: 7604789	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/848,123	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/19/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **199** 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: J. Wilson

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 7/17/07

Paper No.: _____

TO SPE OF : ART UNIT 1624

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/848132 Patent No.: 7202237

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: _____

JAMES O. WILSON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600

SPE 1624 **Art Unit**

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: X

DATE : AUGUST 14, 2007

TO SPE OF : ART UNIT 1624

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/848,132 Patent No.: 7202237 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. 113

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**	**All** changes apply.
☐ **Approved in Part**	Specify below which changes **do not** apply.
☐ **Denied**	State the reasons for denial below.

Comments: _____

_____

_____

_____

_____

SPE 1624 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

MAIL

SEP 2 1 2005

DIRECTOR OFFICE
TECHNOLOGY CENTER 2100

REED SMITH LLP
3110 FAIRVIEW PARK DRIVE
SUITE 1400
FALLS CHURCH, VA 22042

In re Application of: MUTO, et al.
Application No. 10/848,150
Filed: May 19, 2004
For: STORAGE APPARATUS

DECISION ON PETITION
TO MAKE SPECIAL
(ACCELERATED EXAMINATION)
UNDER M.P.E.P. §708.02 (VIII)

This is a response to the petition filed 15 August 2005 under 37 C.F.R. §1.102(d) and M.P.E.P. §708.02 (VIII): Accelerated Examination, to make the above-identified application special.

The Petition is **DISMISSED**.

M.P.E.P. §708.02, Section VIII which sets out the prerequisites for a grantable petition for Accelerated Examination under 37 C.F.R. §1.102(d) states in relevant part:

A new application (one which has not received any examination by the examiner) may be granted special status provided that applicant (and this term includes applicant's attorney or agent) complies with each of the following items:

(a) Submits a petition to make special accompanied by the fee set forth in **37 CFR 1.17(h)**;

(b) Presents all claims directed to a single invention, or if the Office determines that all the claims presented are not obviously directed to a single invention, will make an election without traverse as a prerequisite to the grant of special status;

(c) Submits a statement(s) that a pre-examination search was made, listing the field of search by class and subclass, publication, Chemical Abstracts, foreign patents, etc. The pre-examination search must be directed to the invention as claimed in the application for which special status is requested. A search made by a foreign patent office satisfies this requirement;

(d) Submits one copy each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and

(e) Submits a detailed discussion of the references, which discussion points out, with the particularity required by 37 CFR 1.111 (b) and (c), how the claimed subject matter is patentable over the references.

In those instances where the request for this special status does not meet all the prerequisites set forth above, **applicant will be notified and the defects in the request will be stated**. The application will remain in the status of a new application awaiting action in its regular turn. In those instances where a request is defective in one or more respects,

applicant will be given one opportunity to perfect the request in a renewed petition to make special. If perfected, the request will then be granted. If not perfected in the first renewed petition, any additional renewed petitions to make special may or may not be considered at the discretion of the Technology Center (TC) Special Program Examiner.

The petition filed 15 August 2005 fails to adequately meet requirement (e) of the criteria set forth above. The discussion of the references does not point out with the particularity required by 37 CFR 1.111(b) and (c) how the claimed subject matter is patentable over the references.

The statement purporting to distinguish independent claims 1 and 11 from each reference recites most of the limitations of each of claims 1 and 11. I.e., the statement purports that almost the entirety of each of claims 1 and 11 is not taught by any of the references deemed most closely related. Such a statement is not a sufficient detailed description.

Additionally, it is suggested that if the identical statement is being made to distinguish each reference from an independent claim, as in the instant petition, then the statement should simply be made once in the petition. (E.g., "Regarding independent claim 1, none of the references disclose . . . .")

Petition to Make Special **DISMISSED**.

Petitioner is given one opportunity to perfect the petition. Any request for reconsideration must be filed within TWO MONTHS of the mail date of this decision.

Until the renewed petition is submitted, the application will be returned to the examiner's docket to await treatment on the merits in the normal order of examination.

Pinchus M. Laufer
Special Program Examiner
Technology Center 2100
Computer Architecture, Software and Information Security
571-272-3599

ds

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

REED SMITH LLP
3110 FAIRVIEW PARK DRIVE
SUITE 1400
FALLS CHURCH VA 22042

MAILED

DEC 14 2005

Technology Center 2100

In re Application of: MUTO, et al.
Application No. 10/848,150
Filed: May 19, 2004
For: STORAGE APPARATUS

DECISION ON PETITION
TO MAKE SPECIAL
(ACCELERATED EXAMINATION)
UNDER M.P.E.P. §708.02 (VIII)

This is a response to the renewed petition filed 25 October 2005, under 37 C.F.R. §1.102(d) and M.P.E.P. §708.02 (VIII): Accelerated Examination, to make the above-identified application special.

The renewed petition was filed in response to a dismissal of the original petition filed 15 August 2005. The petition was dismissed for failure to provide a detailed discussion of the references, which discussion points out with the particularity required by 37 CFR 1.111(b) and (c), how the claimed subject matter is patentable over the references.

Applicants' submission filed 25 October 2005 corrects the deficiency noted in the original decision. The combined submissions meet all the criteria set out above. Accordingly, the petition is **GRANTED**.

The application file is being forwarded to the Examiner of Record for accelerated examination according to the procedures set forth in MPEP § 708.02, Section VIII.

Pinchus M. Laufer
Special Program Examiner
Technology Center 2100
Computer Architecture, Software and Information Security
571-272-3599

ds

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DANAMRAJ & YOUST, P.C.
PREMIER PLACE
5910 N. CENTRAL EXPRESSWAY
SUITE 1450
DALLAS, TX 75206

COPY MAILED

SEP 20 2005

OFFICE OF PETITIONS

In re Application of	:	
Dennis C. Price	:	
Application No. 10/848,171	:	ON PETITION
Filed: May 18, 2004	:	
Attorney Docket No. 126885-1006	:	

This is a decision on the petition under 37 CFR 1.137(b), filed August 22, 2005, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to submit the issue fee/publication fee in a timely manner in reply to the Notice of Allowance mailed May 3, 2005, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on August 4, 2005.

Telephone inquiries concerning this decision should be directed to Wan Laymon at (571) 272-3220.

This matter is being referred to Publishing Division.

Wan Laymon
Petitions Examiner
Office of Petitions
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

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

COPY MAILED

AUG 0 4 2008

OFFICE OF PETITIONS

In re Application of :
LATYPOV, et al. :
Application No. 10/848,179 : DECISION GRANTING PETITION
Filed: May 19, 2004 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **1857.2200000** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed August 1, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on June 26, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 2877 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Monica A. Graves
Petitions Examiner
Office of Petitions

---

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

COPY MAILED
NOV 17 2008

In re Application of :
Azat M. Latypov, et al. :
Application No.: 10/848,179 : ON PETITION
Filed: May 19, 2004 :
Attorney Docket No.: 1857.2200000 :

This is a decision on the petition, filed November 14, 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 October 31, 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 2877 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner

[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

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

COPY MAILED

MAY 01 2009

OFFICE OF PETITIONS

In re Application of :
Azat M. LATYPOV, et al. :
Application No. 10/848,179 : DECISION GRANTING PETITION
Filed: May 19, 2004 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **1857.2200000** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed May 1, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on March 26, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application 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.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

VOLPE AND KOENIG, P.C.
UNITED PLAZA, SUITE 1600
30 SOUTH 17TH STREET
PHILADELPHIA PA 19103

COPY MAILED

NOV 09 2009

OFFICE OF PETITIONS

In re Patent No. 7,601,859 :
Issue Date: October 13, 2009 :
Application No. 10/848,183 : ON PETITION
Filed: May 18, 2004 :
Attorney Docket No. SHP-PT050.1 :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

Telephone inquiries concerning this decision should be directed to Joan Olszewski at (571) 272-7751.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JOHN T. WINBURN
100 BOSCH BOULEVARD
NEW BERN NC 28562

COPY MAILED

JUN 29 2006

OFFICE OF PETITIONS

In re Application of	:	
Christian GASSNER et al.	:	DECISION ON PETITIONS
Application No. 10/848,194	:	UNDER 37 CFR 1.183 AND
Filed: May 18, 2004	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 2001P16047WOUS	:	

This is a decision on the petition under 37 CFR 1.183, filed March 20, 2006, requesting waiver of 37 CFR 1.78(a)(3) as that rule operates in conjunction with 37 CFR 1.17(t), and a decision on the petition under 37 CFR 1.78(a)(3), filed April 28, 2006, to accept an unintentionally delayed claim under 35 U.S.C. § 120 and 365(c) for the benefit of priority to prior-filed PCT Application No. PCT/EP02/12335, filed November 5, 2002, set forth in the accompanying Application Data Sheet.

The petition under 37 CFR 1.183 is **DISMISSED** as moot in view of the request filed April 28, 2006, withdrawing the petition to waive the surcharge fee requirement of 37 CFR 1.78(a)(3). No fee has been assessed to petitioner's deposit account for the petition under 37 CFR 1.183.

The petition under 37 CFR 1.78(a)(3) is **GRANTED.**

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

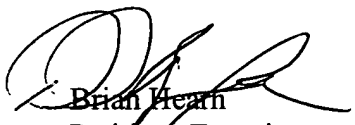
All the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 120 and 365(c) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that the application is entitled to the benefit of the prior-filed application. In order for the application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. §§ 120 and 365(c) and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to David Bucci at (571) 272-7099. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to the examiner of Technology Center Art Unit 3673 for appropriate action on the amendment filed April 28, 2006, including consideration of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 and 365(c) to the above-noted, prior-filed PCT application.



Brian Hearn
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/848,194	05/18/2004	3673	1800	2001P16047WOUS	1	18	2

CONFIRMATION NO. 5390

CORRECTED FILING RECEIPT

000046726
JOHN T. WINBURN
100 BOSCH BOULEVARD
NEW BERN, NC 28562

OC000000019389634

Date Mailed: 06/23/2006

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Christian Gassner, Chieming, GERMANY;
Robert Hasslberger, Ruhpolding, GERMANY;
Michael Wagner, Grabenstatt, GERMANY;

Assignment For Published Patent Application

BSH Bosch und Siemens Hausgeräte GmbH, Munich, GERMANY

Power of Attorney: The patent practitioners associated with Customer Number **000046726**.

Domestic Priority data as claimed by applicant

This application is a CON of PCT/EP02/12335 11/05/2002

Foreign Applications

GERMANY DE 101 56 778.2 11/19/2001
If Required, Foreign Filing License Granted: 07/15/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/848,194

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Door sealing strip and cooking device

Preliminary Class

277

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BSH HOME APPLIANCES CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
100 BOSCH BOULEVARD
NEW BERN NC 28562

COPY MAILED

JAN 10 2008

OFFICE OF PETITIONS

In re Application of :
Christian Gassner et al. :
Application No. 10/848,194 : ON PETITION
Filed: May 18, 2004 :
Attorney Docket No. 2001P16047WOUS :

This is a decision on the petition under 37 CFR 1.137(b), filed March 1, 2007, to revive the above-identified application.

The petition is **GRANTED**.

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 August 22, 2006, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on November 24, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) under 37 CFR 1.114; (2) the petition fee of $1,500; and (3) an adequate statement of unintentional delay.

This application is being revived for consideration of the RCE.

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 3676 for appropriate action on the concurrently filed RCE.

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WENDEROTH LIND & PONACK LLP
2033 K STREET NW, SUITE 800
WASHINGTON, DC 20006-1021

COPY MAILED

MAR 2 8 2006

OFFICE OF PETITIONS

In re Application of :
Toshifumi Nakatani et al :
Application No. 10/848,212 : DECISION GRANTING PETITION
Filed: May 19, 2004 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 2004_0752A :

This is a decision on the petition, filed March 24, 2006, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on January 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) 272-3218.

This matter is being referred to Technology Center AU 2817 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the Information Disclosure Statement.

Frances Hicks
Petitions Examiner
Office of Petitions

C:\Documents and Settings\FHicks\My Documents\470\Mar9\848212.wpd

---

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission), which includes the following language thereon: "The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee in the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).*

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : April 8, 2009

TO SPE OF : ART UNIT 2624
SUBJECT : Request for Certificate of Correction for Appl. No.: 10/848233/7421105
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.

[X]	**Approved**	All changes apply.
[ ]	**Approved in Part**	Specify below which changes do not apply.
[ ]	**Denied**	State the reasons for denial below.

Comments: OK to enter.

VU LE
AU 2624 **SPE**

2624
Art Unit

PTOL-306 (REV. 7/03) U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : April 8, 2009

TO SPE OF : ART UNIT 2624
SUBJECT : Request for Certificate of Correction for Appl. No.: 10/848233 /7421105

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.

[X]	**Approved**	All changes apply.
[ ]	**Approved in Part**	Specify below which changes do not apply.
[ ]	**Denied**	State the reasons for denial below.

Comments: ok to enter.

VU LE
AU 2624 **SPE**

2624
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

WONG, CABELLO, LUTSCH,
RUTHERFORD & BRUCCULERI, L.L.P.
221 W. 6TH STREET, SUITE 950
AUSTIN, TX 78701

COPY MAILED

JAN 23 2006

OFFICE OF PETITIONS

In re Application of	:	
Lewis, William H.	:	DECISION ON PETITION
Application No. 10/848,238	:	TO WITHDRAW
Filed: May 18, 2004	:	FROM RECORD
Attorney Docket No. 445-0004USC	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 23, 2005.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by William D. Raman on behalf of all attorneys of record who are associated with Customer Number 29855.

All attorneys/agents associated with the Customer Number 29855 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 December 23, 2005 that requires a reply from the applicant

David Bucci
Petitions Examiner
Office of Petitions

Cc: WILLIAM H. LEWIS
170 BANFILL ROAD
GRAYTON BEACH, FL 32459

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

SPRINT
6391 SPRINT PARKWAY
KSOPHT0101-Z2100
OVERLAND PARK, KS 66251-2100

Mail Date: 04/21/2010

Applicant	: James D. Barnes	: DECISION ON REQUEST FOR
Patent Number	: 7617293	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/848,240	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/18/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1104** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20080904

DATE : September 10, 2008

TO SPE OF : ART UNIT 2895

SUBJECT : Request for Certificate of Correction on Patent No.: 7,087,951

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: /N. Drew Richards/ **Art Unit** 2895

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/848,257	05/14/2004	3761	1134	J&J 5074	5	33	3

CONFIRMATION NO. 4527

CORRECTED FILING RECEIPT

000027777
PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK, NJ 08933-7003

OC000000016957099

Date Mailed: 09/07/2005

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)

David J. Chase, Somerville, NJ;
Erin Danyi, Nicholasville, KY;
Mari Hou, Hoboken, NJ;
Tara Glasgow, New Hope, PA;
Julia Kozorovitsky, Langhorne, PA;

Power of Attorney: The patent practitioners associated with Customer Number **000027777**.

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 07/19/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/848,257

Projected Publication Date: 12/15/2005

Non-Publication Request: No

Early Publication Request: No

Title

Tampon with flexible panels

Preliminary Class

604

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

RADER, FISHMAN & GRAUER PLLC
39533 WOODWARD AVENUE
SUITE 140
BLOOMFIELD HILLS MI 48304-0610

COPY MAILED

JAN 29 2007

OFFICE OF PETITIONS

In re Application of :
Michael E. Miller, et al. :
Application No. 10/848,278 : DECISION ON PETITION
Filed: May 18, 2004 : TO MAKE SPECIAL UNDER
Attorney Docket No. 65937-0057 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 18, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a declaration statement signed by applicant Michael E. Miller. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 2116 for action on the merits commensurate with this decision.

April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

OSTROLENK FABER GERB & SOFFEN
1180 AVENUE OF THE AMERICAS
NEW YORK, NY 10036-8403

COPY MAILED

FEB 25 2005

OFFICE OF PETITIONS

In re Application of :
Michael Gardin :
Application No. 10/848,295 :
Filed: May 17, 2004 :
Attorney Docket No. P/1228-185 :

ON PETITION

This is a decision on the petition filed under 37 CFR 1.10(d) to accord the application a filing date of May 17, 2004.

The petition is **granted**.

The record reflects that the subject application arrived at the Patent and Trademark Office in an Express Mail envelope with Express Mail label EV342528233US showing a date-in of May 18, 2004. Petitioner filed the instant petition on January 18, 2005, asserting that the application should have been accorded a filing date of May 17, 2004, as that was date the application was deposited with the Express Mail service.

Title 37, Section 1.10(d) of the Code of Federal Regulations reads, in pertinent part:

> 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 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 the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS.

All of the above requirements have been met. The application will, therefore, be accorded a filing date of May 17, 2004.

The application file is being forwarded to the Office of Initial Patent Examination where the application will be accorded a filing date of May 17, 2004, and a corrected filing receipt generated.

Telephone injuries should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

COPY MAILED

NOV 0 9 2007

OFFICE OF PETITIONS

BEUSSE WOLTER SANKS MORA & MAIRE
390 N. ORANGE AVENUE
SUITE 2500
ORLANDO FL 32801

In re Application of
Andrew P. Sullivan et al.
Application No. 10/848,300
Filed: May 18, 2004
Attorney Docket No.: **10590-002**

ON PETITION

This is a decision on the petition filed October 25, 2007 under 37 CFR 1.137(b), [1] to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the non-Final Office Action mailed April 17, 2007. A shortened statutory period of three months was set for replying to the non-Final Office Action. No extensions of time having been requested, this application became abandoned July 18, 2007. The instant petition and this decision precede the mailing of the Notice of Abandonment.

This matter is being referred to Technology Center 3637 for appropriate action on the amendment filed October 25, 2007.

Telephone inquiries concerning this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

---

[1] Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). ~~A~~grantable petition filed under the provisions of 37 CFR 1.137(b)must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Jeffrey J. Hohenshell
710 Medtronic Parkway
Minneapolis, MI 55432

COPY MAILED

FEB 29 2008

In re Application of :

Robert F. Baugh et al. :
Application No. 10/848,302 : DECISION ON PETITION
Filed: May 18, 2004 : TO WITHDRAW
Attorney Docket No. P-4457.10 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 28, 2007.

The request is **NOT APPROVED.**

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, "[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]" More specifically, 37 CFR 10.40 states, "[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is" for one the permissive reasons listed in 37 CFR 10.40(c). The reasons set forth in the request, ***the sale of this patent or application from Medtronic to Arteriocyte***, 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 below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Terri Williams at 571-272- 2991.

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Brian P. Hopkins**
Mintz, Levin, Cohn, Ferris,
Glovsky & Popeo, P.C.
666 Third Avenue
New York, NY 10017

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS CO 80527-2400

COPY MAILED

JUL 0 6 2007

OFFICE OF PETITIONS

In re Application of	:	
Smith et al.	:	
Application No. 10/848,332	:	ON PETITION
Filed: May 17, 2004	:	
Attorney Docket No. 200316088-1	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed May 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 Election/Response to Restriction Requirement; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the response has been accepted as having been unintentionally delayed.

This matter is being referred to Technology Center 2800 for further examination on the merits.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3206.

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

IPLM GROUP, P.A.
POST OFFICE BOX 18455
MINNEAPOLIS, MN 55418

COPY MAILED

MAR 2 4 2005

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Griese et al. :
Application No. 10/848,333 :
Filed: May 17, 2004 :
Attorney Docket No. 117P45USC3 :

This is a decision on the petition under 37 CFR 1.182, filed January 5, 2005, to change the order of the names of the inventors.

The petition is **GRANTED**.

The order of the names of the inventors will be changed as follows:

1. Gregory G. Griese
2. Steven E. Lentsch
3. Stephan M. Hubig
4. John E. Thomas
5. Terry J. Klos
6. Brian A. Chute
7. Kathryn A. Netschke
8. Jamie W. Lerbs

Effective on December 8, 2004, the petition fee increased from $130.00 to $400.00. Accordingly, an additional $270.00 was charged to petitioner's deposit account as authorized.

This matter is now being referred to the Publishing Division for processing into a patent.

Telephone inquiries should be directed to Paralegal Liana Chase at (571) 272-3282.

Frances Hicks
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Enclosure: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MOTOROLA INC.
600 NORTH US HIGHWAY 45
W4 – 39Q
LIBERTYVILLE IL 60048-5343

COPY MAILED

MAR 17 2009

OFFICE OF PETITIONS

In re Application of
Mark D. Hansen et al
Application No. 10/848,340
Filed: May 18, 2004
Attorney Docket No. CS23766RA

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 17, 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 amendment; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the nonfinal rejection mailed May 5, 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 the Technology Center AU 2436 for consideration by the examiner on the reply received February 17, 2009.

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

JAMES M. STOVER
TERADATA CORPORATION
2835 MIAMI VILLAGE DRIVE
MIAMISBURG OH 45342

COPY MAILED

JUN 18 2008

OFFICE OF PETITIONS

In re Application of :
Luo et al :
Application No. 10/848,349 : DECISION ON PETITION
Filed: May 18, 2004 :
Attorney Docket No. 9917.01 :
(NCR.0051C1US)

This is a decision on the petition, filed April 7, 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 reply to the non-final Office action mailed May 18, 2007, which set a three (3) month shortened statutory period for reply. Accordingly, a reply was due on or before August 18, 2007.

Petitioner asserts that the Office action dated May 18, 2007 was not received.

A review of the written record indicates an irregularity in the mailing of the Office action of May 18, 2007. In this regard, the Office received a change of address on July 19, 2004, prior to the mailing of the Office action of May 18, 2007. A review of the request to change the correspondence address of record, shows that the request was submitted by an attorney who did not have authority in the above-identified application. Further, the July 19, 2004 request included the incorrect inventor and attorney docket number. As such the change of address should not have been entered. Accordingly, as the Office action was mailed to an incorrect address, the Notice of Abandonment mailed November 28, 2007 is hereby vacated and the holding of abandonment withdrawn.

This application is being referred to the Technology Center technical support staff of Art Unit 2162 for remailing the Office action of May 18, 2007 and resetting the period for reply.

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
www.uspto.gov

Dickstein Shapiro, LLP
1825 Eye Street NW
Washington, DC 20006-5403

COPY MAILED
SEP 25 2008

In re Application of :
Nicholas Pomato et al. :
Application No. 10/848,364 : ON PETITION
Filed: May 19, 2004 :
Attorney Docket No. I8602.0008/P008-A :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 4, 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 February 22, 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)(II)(A)(2). A Notice of Appeal and a three month extension of time was filed on August 22, 2007 and a five month extension of time and amendment were filed on March 23, 2008. Accordingly, the date of abandonment of this application is March 23, 2007. A Notice of Abandonment was mailed on June 13, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a RCE, with the required fee of $405, (2) the petition fee of $770, and (3) a proper statement of unintentional delay. Accordingly, the RCE is accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to Technology Center AU 1645 for processing of the RCE and any action that is required by the Examiner in the normal course of business.

Carl Friedman
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

VIERRA MAGEN MARCUS & DENIRO LLP
575 MARKET STREET SUITE 2500
SAN FRANCISCO, CA 94105

COPY MAILED
SEP 29 2006
OFFICE OF PETITIONS

In re Application of :
Richard Perego, et al. :
Application No. 10/848,369 : ON PETITION
Filed: May 18, 2004 :
Attorney Docket No.: RAMB-01049US3 :

This is a decision on the petition, filed September 28, 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 August 11, 2006, using a Certificate of Mailing or Transmission under 37 CFR 1.8 dated August 8, 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 2189 for further processing of the request for continued examination under 37 CFR 1.114.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1]The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P. O. Box 1450
Alexandria, VA 22313-1450
www. uspto. gov

Date : September 28, 2006

TO : Director, Office of Patent Publication

FROM : Office of the Deputy Commissioner
for Patent Examination Policy

SUBJECT : Withdrawal from Issue of

Applicant(s) : Richard Perego, et al.
Application No. : 10/848,369
Filed : May 18, 2004

The above-identified application has been assigned Patent No. 7,117,298 and an issue date of October 3, 2006.

It is hereby directed that this application be withdrawn from issue at the request of the applicant.

Do not refund the issue fee.

The following erratum should be published in the Official Gazette if the above-identified application is published in the OG of October 3, 2006:

"All reference to Patent No. 7,117,298 to RICHARD PEREGO, ET AL. of COLORADO for CONFIGURABLE WIDTH BUFFERED MODULE HAVING A BYPASS CIRCUIT appearing in the Official Gazette of October 3, 2006, should be deleted since no patent was granted."

Sherry D. Brinkley
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)
Mary E. Johnson (Cookie), P/OCS, CM1-6D07
Duane K.Davis, P/OCS, CM1-6A07
Tamara K. Greene, PK3-910

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MILLEN, WHITE, ZELANO & BRANIGAN, PC
2200 CLARENDON BLVD
SUITE 1400
ARLINGTON VA 22201

In re Application of	:	
Amir H. Kalali et al	:	
Serial No.: 10/848,383	:	PETITION TO MAKE SPECIAL
Filed: May 19, 2004	:	
Attorney Docket No.: SGIRE-501	:	

This is in response to applicants' petition filed September 3, 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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Woodcock Washburn LLP
One Liberty Place-46th Floor
1650 Market Street
Philadelphia, PA 19103

COPY MAILED

AUG 0 1 2006

OFFICE OF PETITIONS

In re Application of :
Iain F. Pickersgill :
Application No. 10/848,403 : DECISION ON PETITION
Filed: May 18, 2004 : TO WITHDRAW
Attorney Docket No. PH7224(BMS-2605) : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 3, 2005.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that a new oath filed in application on October 27, 2004 changed the power of attorney from Customer Number 23377 to 46339. 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.

David Bucci
Petitions Examiner
Office of Petitions

cc: Louis J. Wille
Bristol-Myers Squibb Company
Patent Department
P.O. Box 4000
Princeton, NJ 08543-4000

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

BANNER & WITCOFF, LTD.
TEN SOUTH WACKER DRIVE
SUITE 3000
CHICAGO, IL 60606

COPY MAILED

OCT 2 7 2004

OFFICE OF PETITIONS

In re Application of	:
Whitehead, et al.	: DECISION DISMISSING
Application No. 10/848,418	: STATUS UNDER 37 CFR
Filed: May 18, 2004	: 1.47(a)
Docket No.: 10628.00091	:
For: UNIVERSAL VEHICLE TIRE	:
VALVE CORE AND CAP REMOVAL	:
AND INSTALLATION TOOL	:

This decision is in response to the petition under 37 CFR 1.47(a), filed August 5, 2004.

The petition under 37 CFR 1.47(a) is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed May 18, 2004 without an executed oath or declaration. Accordingly, a Notice to File Missing Parts of Nonprovisional Application was mailed July 20, 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.

Payment of the petition fee for consideration under Rule 137(a) is a prerequisite for treat on the merits of the instant

petition. The Office will not reach the merits of any petition under 37 CFR 1.137(a) lacking the requisite fee. Accordingly, the instant petition is **DISMISSED**.

While the petition references the enclosure of the require fee of $130.00, said fee is not amongst the papers found in the official application file. Any renewed petition must be accompanied by the required fee, currently, $130.00

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
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

BANNER & WITCOFF, LTD.
TEN SOUTH WACKER DRIVE
SUITE 3000
CHICAGO, IL 60606

In re Application of Whitehead, et al. Application No. 10/848,418 Filed: May 18, 2004 Atty. Dkt. No.: 10628.00091 For: UNIVERSAL VEHICLE TIRE VALVE CORE AND CAP REMOVAL AND INSTALLATION TOOL	DECISION REFUSING STATUS UNDER 37 CFR 1.47(a) **COPY MAILED** FEB 09 2005 **OFFICE OF PETITIONS**

This decision is in response to the renewed petition under 37 CFR 1.47(a), filed November 30, 2004.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the legal representative of the deceased 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 May 18, 2004 without an executed oath or declaration. Accordingly, a Notice to File Missing Parts of Nonprovisional Application was mailed July 20, 2004 requiring an executed oath or declaration and a surcharge. A petition under 37 CFR 1.47(a) was filed August 8, 2004 and dismissed October 27, 2004.

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 requirements (1), (2), and (4) set forth above.

As to item (1) set forth above, petitioners state that inventor Stanley Lea "cannot be reached, after diligent effort, to execute application papers." Included with the petition is a copy of a letter authored by Marvin C. Negley. The letter references unsuccessful efforts to locate the non-signing inventor via "Switchboard.com." The letter further goes on to suggest the possibility that non-signing inventor may be deceased.

Petitioners have failed to establish that the non-signing inventor cannot be located or that diligent effort has been exerted to locate the non-signing inventor. While the petition references a very narrow Internet search for the inventor, it cannot be held at the present time that petitioners have exhausted all efforts to determine the whereabouts of the non-signing inventor. It is further worth noting that while a very narrow Internet search purports to have been conducted, the petition is not accompanied by any evidence of such search. Furthermore, petitioners have presented evidence to suggest that petitioners may suspect that the inventor in question may be deceased. Yet, petitioners have presented no information to establish that diligent effort has been undertaken to determine if this is in fact correct. For example, a cursory review of Social Security Death records would be one possible means to go about establishing if in fact the inventor is deceased. Moreover, assuming arguendo that the inventor is deceased, the burden is on applicants locate the legal representative of the deceased inventor for execution of the formal application papers. No evidence of efforts to locate any legal representatives of the inventor has been presented.

Thus, petitioners are reminded that before a refusal to sign an oath or declaration can be alleged, it must be demonstrated that a *bona fide* effort has been made to present a complete copy of the application papers (specification, including claims, drawings, and oath or declaration) to the non-signing inventor.

Any renewed petition should be accompanied by evidence of efforts to locate the non-signing inventor and/or the legal representative of the inventor, and should be accompanied by evidence to establish that either the inventor or the legal representative of the inventor received a complete copy of the application papers (specification, claims, drawings, and oath or declaration) and thereafter refused to execute the declaration.

Petitioners are advised to submit evidence of any and all such efforts to locate the inventor or the legal representative of the inventor. Furthermore, to the extent that the inventor or legal representative of the deceased inventor is located, petitioners may wish to provide the Office copies of letters sent to the inventor or the legal representative of the inventor evidencing the enclosure of the application papers (specification, claims, drawings, and oath or declaration). If after the inventor or legal representative of the inventor receive the application papers or refuses to accept the application papers, and requests to execute the oath or declaration are refused, these facts should be set forth in a statement of facts signed by the person to whom the refusals were made and detailing with specificity the exact manner of the refusals. Petitioners' attention is directed to MPEP 409.03(d) for further guidance.

As to item (2), an oath or declaration in compliance with 37 CFR 1.63 is required. The declaration filed May 18, 2004 is unacceptable as it fails to set forth the mailing address of the non-signing inventor as required under 37 CFR 1.63(c)(1). Any renewed petition must be accompanied by a proper oath or declaration, or, if deemed appropriate, an Application Data Sheet in compliance with 37 CFR 1.76.

As to item (4), the petition lacks the last known address of the non-signing inventor. While the petition provides a city and state, this information is not sufficient to satisfy the last known address requirements of 37 CFR 1.47(a). Any renewed petition must set forth the name and last known address of the non-signing inventor.

Further correspondence with respect to this matter should be addressed as follows:

By mail:
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By facsimile:
(703) 872-9306

By hand:
U.S. 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

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

BANNER & WITCOFF, LTD.
TEN SOUTH WACKER DRIVE
SUITE 3000
CHICAGO, IL 60606

COPY MAILED

SEP 14 2005

OFFICE OF PETITIONS

In re Application of	:
Whitehead, et al.	:
Application No. 10/848,418	: DECISION NOTING JOINDER
Filed: May 18, 2004	: OF INVENTOR AND PETITION
Atty. Dkt. No.: 10628.00091	: UNDER 37 CFR 1.47(a) AS
For: UNIVERSAL VEHICLE TIRE VALVE CORE AND CAP REMOVAL AND INSTALLATION TOOL	: MOOT and NOTICE OF VACATION : OF NOTICE OF ABANDONMENT

This decision is in response to the renewed petition under 37 CFR 1.47(a) and 37 CFR 1.137(b), filed July 26, 2005.

DECISION UNDER 37 CFR 1.137(b)

The petition under 37 CFR 1.137(b) is **DISMISSED AS MOOT**.

This application was improperly held abandoned by way of a Notice of Abandonment mailed April 14, 2005 wherein it was alleged that petitioners failed to timely submit a proper response to the Notice to File Missing Parts mailed July 20, 2004. A reply by way of a petition under 37 CFR 1.47(a) was timely filed August 5, 2004 in response to the Notice. Accordingly, the Notice of Abandonment was mailed in error. The holding of abandonment is hereby **WITHDRAWN** and the holding of abandonment is hereby **VACATED**.

Petitioner is entitled to a refund of the previously submitted petition to revive fee and may request a refund by writing to the Finance Office, Refund Section. Any request for refund should include a copy of this decision.

DECISION UNDER 37 CFR 1.47(a)

The petition under 37 CFR 1.47(a) is hereby **DISMISSED**.

Petitioners herein assert that the legal representative of the non-signing inventor has been located and that the legal representative has executed the oath or declaration. Thus, petitioners are asserting that status under Rule 47 is no longer sought.

Nevertheless, a proper oath or declaration in compliance with 37 CFR 1.63 is required to comply with the Notice to File Missing Parts mailed July 20, 2004.

The declaration submitted herewith is not acceptable as it has only been executed by the legal representative of the deceased inventor and as drafted identified the deceased inventor as the sole inventor. Thus, petitioner has failed to comply with the Notice to File Missing Parts. Accordingly, petitioner is required to submit a properly executed oath or declaration identifying each inventor, including the deceased inventor, and must be executed by all of the inventors along with the legal representative of the deceased inventor.

Petitioners are given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted herein. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(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:	(571) 273-8300
By hand:	U.S. Patent and Trademark Office Customer Service Window Mail Stop Petition Randolph Building 401 Dulany Street Alexandria, VA 22314

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

BANNER & WITCOFF, LTD.
TEN SOUTH WACKER DRIVE
SUITE 3000
CHICAGO, IL 60606

COPY MAILED

MAR 0 6 2006

OFFICE OF PETITIONS

In re Application of	:
Whitehead, et al.	: DECISION NOTING JOINDER
Application No. 10/848,418	: OF INVENTOR AND PETITION
Filed: May 18, 2004	: UNDER 37 CFR 1.47(a) MOOT
Docket No.: 10628.00091	:

This is a decision on the petition renewed under 37 CFR 1.47(a), filed December 8, 2005, to revive the above-identified application.

In view of the joinder of the inventor, further consideration under 37 CFR 1.47(a) is not necessary and the petition is considered to be moot. This application does not have any Rule 1.47(a) status and no such status should appear on the file wrapper. This application need not be returned to this Office for further consideration under 37 CFR 1.47(a).

This application is being forwarded to the Office of Initial Patent Examination for further processing

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FLIESLER MEYER LLP
FOUR EMBARCADERO CENTER
SUITE 400
SAN FRANCISCO CA 94111-4156

COPY MAILED

FEB 14 2005

OFFICE OF PETITIONS

In re Application of :
Robert Finan and Joel Silverstein :
Application No. 10/848,426 : DECISION REFUSING STATUS
Filed: May 18, 2004 : UNDER 37 CFR 1.47(b)
Attorney Docket No. 5017 :

This is in response to the petition under 37 C.F.R. § 1.47(b), filed January 24, 2005.

The petition under 37 C.F.R. § 1.47(b) 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(b)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **Failure to respond will result in abandonment of the application.** Any extensions of time will be governed by 37 C.F.R. § 1.136(a).

The above-identified application was filed on May 18, 2004, without an executed oath or declaration. Accordingly, on July 20, 2004, applicant was mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted," requiring an executed oath or declaration, a surcharge for its late filing, as well as a substitute declaration. This Notice set a two-month period for reply.

In reply, applicant filed the instant petition, and paid both the petition fee and the surcharge for late filing of the declaration. To make timely this reply, applicant obtained a four month extension of time and included a Certificate of Mailing dated January 20, 2005.

A grantable petition under 37 C.F.R. § 1.47(b) 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 37 C.F.R. § 1.63; (3) the petition fee; (4) a statement of the last known address of the non-signing inventor; (5) proof that the Rule 47(b) applicant has sufficient proprietary interest in the subject matter to justify the filing of the application; and (6) proof of irreparable damage. The instant petition does not satisfy requirements (1), (2), or (5).

As to requirement (1), there has been no showing that Finan and Silverstein were presented with the application papers (specification, claims, drawings, oath or declaration). The record only discloses that an attempt was made to present them with copies of the Declaration and Assignment documents. Regarding this, the Manual of Patent Examining Procedure states:

> 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 U.S.P.Q. 80 Comm'r Pat. 1956).

Proof that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. If the inventors can not be located, then the steps taken to locate the inventors must be set forth.[1]

As to requirement (2), there is no indication that Rule 47 applicant has submitted a declaration. On renewed petition, applicant must submit an oath or declaration in compliance with 37 C.F.R. § 1.63. As set forth in MPEP 409.03(b), the "37 CFR 1.47(b) applicant must make the oath required by 37 CFR 1.63 and 1.64 or 1.175." The declaration must be executed, and must identify the full name, residence, post office address, and

---

[1] It is noted that the correspondence mailed to Finan was returned and marked "move". A perfunctory internet search by the Petitions Attorney revealed an address for Finan in New Jersey different from his last known address.

citizenship of the nonsigning inventor. In addition, the title or position of the person signing must be stated if signing on behalf of a corporation. A corporation may authorize any person, including a registered attorney or agent, to sign the oath or declaration on its behalf. Where an oath or declaration is signed by a registered attorney or agent on behalf of a corporation, proof of the attorney's or agent's authority in the form of a statement signed by the appropriate corporate officer must be submitted, or the attorney or agent can simply state that he or she is authorized to sign on behalf of the corporation.[2]

As to requirement (5), applicant has not shown a sufficient proprietary interest. Applicant has not submitted a copy of the assignment nor a statement under 37 C.F.R. § 3.73(b) by the assignee.[3] If applicant can not show a sufficient proprietary interest by supplying a copy of the assignment (or a copy of an agreement to assign, e.g. an employment agreement), a proprietary interest "may be demonstrated by an appropriate legal memorandum to the effect that a court of competent jurisdiction (federal, state, or foreign) would by the weight of authority in that jurisdiction award title of the invention to the 37 CFR 1.47(b) applicant."[4]

Receipt of the substitute specification, submitted with the instant petition, is acknowledged.

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 related to this decision may be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

---

[2] See MPEP 409.03(b).

[3] See MPEP 409.03(f).

[4] Id.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FLIESLER MEYER LLP
FOUR EMBARCADERO CENTER
SUITE 400
SAN FRANCISCO CA 94111-4156

COPY MAILED

AUG 19 2005

OFFICE OF PETITIONS

In re Application of	:	
Robert Finan and Joel Silverstein	:	
Application No. 10/848,426	:	DECISION REFUSING STATUS
Filed: May 18, 2004	:	UNDER 37 CFR 1.47(a)
Attorney Docket No. 5017	:	

This is in response to the renewed petition under 37 C.F.R. § 1.47(b), filed July 15, 2005, which is being treated as a petition under 37 C.F.R. § 1.47(a) in light of the fact that inventor Finan has now signed the declaration.

The petition under 37 C.F.R. § 1.47(a) is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 C.F.R. § 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **Failure to respond will result in abandonment of the application.** Any extensions of time will be governed by 37 C.F.R. § 1.136(a).

The above-identified application was filed on May 18, 2004, without an executed oath or declaration. Accordingly, on July 20, 2004, applicant was mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted," requiring an executed oath or declaration, a surcharge for its late filing, as well as a substitute declaration. This Notice set a two-month period for reply.

In reply, applicant filed a petition under 37 C.F.R. 1.47(b) on January 24, 2005, made timely by obtaining a four month extension of time and including a Certificate of Mailing dated January 20, 2005. However, the petition was dismissed in a decision mailed on February 14, 2005. Rule 47 applicant had not shown that inventors Finan and Silverstein were presented with a copy of the application papers. In addition, Rule 47 applicant did not submit a proper oath or declaration, or show sufficient proprietary interest in the application.

The instant renewed petition was filed on July 15, 2005, made timely by obtaining a three month extension of time and including a Certificate of Mailing dated July 13, 2005. Submitted with the petition was a declaration signed by inventor Finan, with the signature block for inventor Silverstein left blank.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor(s) 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 37 CFR 1.63; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor(s). The instant petition does not satisfy requirement (1).

As to requirement (1), there has been no showing that Silverstein was presented with the application papers (specification, claims, drawings, oath or declaration). The record only discloses that Silverstein was forwarded a copy of the declaration and "an explanatory cover letter." According to petitioner, Silverstein signed for and received the declaration.

Regarding this, the Manual of Patent Examining Procedure § 409.03(b) states:

> A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign

and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. The fact that an application may contain proprietary information does not relieve the 37 CFR 1.47 applicant of the responsibility to present the application papers to the inventor if the inventor is willing to receive the papers in order to sign the oath or declaration. It is noted that the inventor may obtain a complete copy of the application, unless the inventor has assigned his or her interest in the application, and the assignee has requested that the inventor not be permitted access. See MPEP § 106. It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).[1]

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 related to this decision may be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FLIESLER MEYER LLP
FOUR EMBARCADERO CENTER
SUITE 400
SAN FRANCISCO CA 94111-4156

COPY MAILED

DEC 0 5 2005

OFFICE OF PETITIONS

In re Application of :
Robert Finan and Joel Silverstein :
Application No. 10/848,426 : DECISION ACCORDING STATUS
Filed: May 18, 2004 : UNDER 37 CFR 1.47(a)
Attorney Docket No. 5017 :

This is in response to the "REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 C.F.R. § 1.47(a), filed October 21, 2005.

The petition under 37 C.F.R. § 1.47(a) is **GRANTED**.

The above-identified application was filed on May 18, 2004, without an executed oath or declaration. Accordingly, on July 20, 2004, applicant was mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted," requiring an executed oath or declaration, a surcharge for its late filing, as well as a substitute declaration. This Notice set a two-month period for reply.

In reply, applicant filed a petition under 37 C.F.R. 1.47(b) on January 24, 2005, made timely by obtaining a four month extension of time and including a Certificate of Mailing dated January 20, 2005. However, the petition was dismissed in a decision mailed on February 14, 2005. Rule 47 applicant had not shown that inventors Finan and Silverstein were presented with a copy of the application papers. In addition, Rule 47 applicant

did not submit a proper oath or declaration, or show sufficient proprietary interest in the application.

Applicants filed a renewed petition on July 15, 2005, made timely by obtaining a three month extension of time and including a Certificate of Mailing dated July 13, 2005. Submitted with the petition was a declaration signed by inventor Finan, with the signature block for inventor Silverstein left blank. However, the petition was dismissed in a decision mailed on August 19, 2005. Rule 47 applicant had not shown that Silverstein was ever presented with a copy of the application papers (specification, claims, drawings, oath or declaration). The record only disclosed that Silverstein was forwarded a copy of the declaration and "an explanatory cover letter."

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor(s) 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 37 CFR 1.63; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor(s).

With the instant renewed petition, petitioner has overcome the objections set forth in the prior decision on petition.

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.

As no petition fee is required for a renewed petition, the $200 petition fee has been refunded to petitioner's deposit account.

The application file is being forwarded to the Office of Initial Patent Examination for pre-examination processing.

Telephone inquiries related to this decision may be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JOEL SILVERSTEIN
135 ORCHARD RD
DEMAREST NJ 07627

COPY MAILED

DEC 0 5 2005

OFFICE OF PETITIONS

In re Application of :
Robert Finan and Joel Silverstein :
Application No. 10/848,426 :
Filed: May 18, 2004 :
Title: Dynamic Domain Administration : LETTER
Utility

Dear Mr. Silverstein:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 USC 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, agent 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 Petitions Attorney Cliff Congo at (571)272-3207. 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).

Cliff Congo
Petitions Attorney
Office of Petitions

Paul A. Durdik
Fliesler Meyer LLP
Four Embarcadero Center
Fourth Floor
San Francisco CA 94111
415-362-3800

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Sofer & Haroun, LLP
317 Madison Avenue, Suite 910
New York, NY 10017

COPY MAILED

FEB 21 2006

OFFICE OF PETITIONS

In re Application of

Richard P. Ver Hage

Application No. 10/848,455

Filed: May 17, 2004

Attorney Docket No. 892-2div2

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.181(a) to withdraw the holding of abandonment, filed February 6, 2006.

The petition under 37 CFR 1.181(a) to withdraw the holding of abandonment is **granted**.

This application was held abandoned on August 13, 2005, after no response was received to the restriction/election requirement mailed July 12, 2005. The notice allowed a period for reply of one (1) month from its mailing date. Extensions of the time set for reply were available pursuant to 37 CFR 1.136(a). A Notice of Abandonment was mailed on January 24, 2006, indicating that a reply to the notice was not received.

The instant petition was filed on February 6, 2006, wherein petitioner argues that the address the USPTO entered as the correspondence address of record for the application was a previous address for petitioner and the restriction/election requirement was improperly sent there. Petitioner acknowledges that petitioner's previous address was given in the declaration under 37 CFR 1.63 as the correspondence address of record, but that the current address for petitioner was provided on the application transmittal sheet. The record reflects that the restriction/election requirement was mailed to petitioner's previous address, and returned to the USPTO as undeliverable.

It is noted that Section 601.03(a) of the *Manual of Patent Examining Procedure* (MPEP) provides, in pertinent part that:

> 37 CFR 1.33(a) provides that the application must specify a correspondence address to which the Office will send notice, letters, and other communications relating to an application. The correspondence address must either be in an application data sheet (37 CFR 1.76) or in a clearly

> identifiable manner elsewhere in any papers submitted with the application filing. If more than one correspondence address is specified in a single document, the Office will establish one as the correspondence address and will use the address associated with a Customer Number, if given, over a typed correspondence address. Additionally, applicants will often specify the correspondence address in more than one paper that is filed with an application, and the address given in the different places sometimes conflicts. Where the applicant specifically directs the Office to use non-matching correspondence addresses in more than one paper, priority will be accorded to the correspondence address specified in the following order: (A) Application data sheet (ADS); (B) application transmittal; (C) oath or declaration (unless power of attorney is more current); and (D) power of attorney. Accordingly, if the ADS includes a typed correspondence address, and the declaration gives a different address (i.e., the address associated with a Customer Number) as the correspondence address, the Office will use the typed correspondence address as included on the ADS. In the experience of the Office, the ADS is the most recently created document and tends to have the most current address. After the correspondence address has been entered according to the above procedure, it will only be changed pursuant to 37 CFR 1.33(a)(1).

In keeping the aforementioned, the correspondence address entered for the subject address should have been the most current address for petitioner as provided on the application transmittal sheet. Accordingly, petitioner's failure to receive the restriction/election requirement was an Office error. The resulting holding of abandonment is, therefore, withdrawn.

The correspondence address for the subject application has been changed to the address cited on the application transmittal sheet.

Further inquires regarding this decision may be directed to the undersigned at (571) 272-3222.

The application file is being forwarded Technology Center 3600, GAU 3644, for further processing.

Kenya A. McLaughlin

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

COPY MAILED

APR 30 2009

OFFICE OF PETITIONS

Procopio, Cory, Hargreaves & Savitch, LLP
530 B Street
Suite 2100
San Diego, CA 92101

In re Application of	:	
Ofer Zimmerman et al.	:	
Application No. 10/848,470	:	DECISION ON PETITION
Filed: May 17, 2004	:	TO WITHDRAW
Attorney Docket No.	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 6, 2006.

The request is **moot because a revocation of power of attorney has been ~~filed~~ accepted.**

A review of the file record indicates that the power of attorney to Patrea L. Pabst and all attorneys/agents of record have been revoked by the assignee of the patent application on February 13, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Kimberly Inabinet at 571-272- 4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Dov Rosenfeld
5507 College Avenue
Suite 2
Oakland, CA 94618

UNITED STATES PATENT
AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.g

Date Mailed: April 17, 2008
Patent No. :7,17,971 B2
Ser. No. :10/848473
Inventor(s) :Tomio Iwasaki, et al.
Issued :May 15, 2007
Title: MINATURIZED SEMICONDUCTOR DEVICE WITH IMPROVED DIELECTRIC PROPERTIES

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481).* This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request in this matter is hereby denied.

A certificate of correction will issue for the remaining error 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: (571) 273-0025
ATTN: Office of Petitions

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

Magdalene Talley
For Mary F. Diggs, Supervisor
Decisions & Certificates
of Correction Branch
(703) 308-9390 ext. 116

Townsend And Townsend & Crew LLP
Two Embarcadero Center, 8th Fl.
San Francisco, CA 94111-3834

MD/mt

UNITED STATES PATENT
AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.g

Date Mailed: April 17, 2008
Patent No. :7,17,971 B2
Ser. No. :10/848473
Inventor(s) :Tomio Iwasaki, et al.
Issued :May 15, 2007
Title: MINATURIZED SEMICONDUCTOR DEVICE WITH IMPROVED DIELECTRIC PROPERTIES

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481).* This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request in this matter is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1.117(h) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-0025
ATTN: Office of Petitions

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

Magdalene Talley
For Mary F. Diggs, Supervisor
Decisions & Certificates
of Correction Branch
(703) 308-9390 ext. 116

Townsend And Townsend & Crew LLP
Two Embarcadero Center, 8th Fl.
San Francisco, CA 94111-3834

MD/mt

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

COPY MAILED

DEC 0 2 2008

OFFICE OF PETITIONS

In re Patent No. 7,217,971 :
Application No. 10/848,473 :
Filed: May 17, 2004 : ON PETITION
Issued: May 15, 2007 :
Attorney Docket No. 16869S-051410US :

This is a decision on the petition filed May 21, 2008, 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 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.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

NOV 30 2004

BANNER & WITCOFF, LTD.
TEN SOUTH WACKER DRIVE
SUITE 3000
CHICAGO IL 60606

In re Application of	:
Kraig Yager et al	:
Serial No.: 10/848,474	: PETITION TO MAKE SPECIAL
Filed: May 17, 2004	:
Attorney Docket No.: QUOREX.012A	:

This is in response to applicants' petition filed June 30, 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

UNITED STATES 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 2005

THE SHERR PATENT FIRM, PLLC
11921 FREEDOM DRIVE
SUITE 550
RESTON, VA 20190

AUG 26 2005

In re Application of:
JINQIANG LIU ET AL
Serial No.: 10/848,489
Filed: 18 May 2004
Title: SYSTEM AND METHOD FOR A TRANSPARENT COLOR IMAGE DISPLAY UTILIZING FLUORESCENCE CONVERSION OF NANOPARTICLES AND MOLECULES

DECISION ON PETITION TO MAKE SPECIAL UNDER 37 C.F.R. § 1.102(d)

This is a decision on the petition filed on January 12, 2005, to make the above-identified application special under the accelerated examination procedure set forth in MPEP § 708.02(VIII) in accordance with 37 C.F.R. § 1.102(d).

The petition to make the application special is **GRANTED**.

In support of the petition, petition provides: a) the applicable petition fee; b) a statement that a pre-examination search was made, including the search areas; c) a statement that all claims are directed towards a single invention, and an intent to elect without traverse should election be required; and d) a detailed discussion of each of a number of references submitted as being pertinent to patentability, pointing out how the claimed subject matter is distinguishable over those references.

For accelerated examination under MPEP § 708.02(VIII) in accordance with 37 C.F.R. § 1.102(d), a petition with the following showing is required: a) a petition fee; b) all claims are directed to a single invention; c) a statement that a pre-examination search was made, including the search areas; d) a copy of each of the (non-US) references deemed most closely related to the claimed subject matter; and e) a detailed discussion of the references pointing out with the particularity required by 37 CFR 1.111 (b) and (c), how the claimed subject matter is distinguishable over the references.

The requirements of MPEP § 708.02(VIII)(a) – (e) are considered to have been met. Should the examiner determine that more than one invention is present, the special nature of the application remains dependent on applicant's election without traverse.

For the above-mentioned reasons, the petition is granted. The application will be advanced out of turn for examination, and will continue to be treated as special throughout the entire prosecution in the Office according to the procedure set forth in MPEP § 708.02(VIII).

The delay in considering the petition and issuance of this decision is regretted.

Any inquiry regarding this decision should be directed to Hien H. Phan, Special Program Examiner, at (571) 272-1606.

Hien H. Phan, Special Program Examiner
Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HOFFMANN & BARON
6900 JERICHO TURNPIKE
SYOSSET, NY 11791

COPY MAILED

DEC 27 2005

OFFICE OF PETITIONS

In re Application of :
Julio F. Rodrigues et al :
Application No. 10/848,497 : ON PETITION
Filed: May 18, 2004 :
Attorney Docket No. 577478 CON 2 :

This is a decision on the petition under 37 CFR 1.313, filed December 19, 2005, which is being treated under 37 CFR 1.313(c)(2), to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on November 4, 2005 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Wan Laymon at (571) 272-3220.

This matter is being referred to Technology Center AU 2833 for processing of the request for continued examination under 37 CFR 1.114.

Wan Laymon
Petitions Examiner
Office of Petitions

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

MCDONNELL BOEHNEN HULBERT &
BERGHOFF LLP
300 S. WACKER DRIVE
32ND FLOOR
CHICAGO IL 60606

COPY MAILED

JUN 0 1 2005

OFFICE OF PETITIONS

In re Application of :
Mark Rees :
Application No. 10/848,530 : DECISION ACCORDING STATUS
Filed: May 17, 2004 : UNDER 37 CFR 1.47(b)
For: Product Containment Apparatus :

This is in response to the petition under 37 CFR 1.47(b), filed March 7, 2005.

The petition is granted.

Petitioner has shown that Mark Rees, 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, in Declaration of Facts of A. Blair Hughes, Mr. Hughes stated that the non-signing inventor was mailed the application papers, including the specification, claims and drawings, on two occasions via Federal Express, but he failed to respond to the request that he sign the declaration. In addition, petitioner has shown that The Fitzpatrick Company has a proprietary interest in the above-identified application with a copy of the "Contract of Employment," showing that the inventor had an obligation to assign any patent rights to The Fitzpatrick Company. Additionally, Mr. Hughes submitted a memorandum of law establishing that a court of competent jurisdiction would award title to The Fitzpatrick Company. Petitioner paid the requisite petition fee. Lastly, petitioner submitted a declaration in compliance with 37 CFR 1.63 and 1.64 and demonstrated that such action is necessary to prevent irreparable damage.

This application and papers have been reviewed and found in compliance with 37 CFR 1.47(b). This application is hereby accorded Rule 1.47(b) status.

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 3725 for examination in due course.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP
BRADFORD GREEN, BUILDING 5
755 MAIN STREET, P O BOX 224
MONROE, CT 06468

MAILED

FEB 23 2010

OFFICE OF PETITIONS

In re Application of :
Mikko Nurmi :
Application No. 10/848,534 : DECISION ON PETITION
Filed: May 18, 2004 :
Attorney Docket No. 915-014-006 :

This is a decision on the petition, filed November 30, 2009, which is being treated as a petition under 37 CFR 1.8(b), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Office action of April 29, 2008, which set a three (3) month shortened statutory period for reply. Accordingly, a reply was due on or before October 30, 2009.

Petitioner states that a timely reply was mailed via certificate of mailing on August 29, 2008, which included the following papers: Notice of Appeal and extension of time. The original reply which bears a certificate of mailing dated August 29, 2008, which would have rendered the reply timely if received, is now in the file.

The petition satisfies the above requirements of 37 CFR 1.8(b). Accordingly, the holding of abandonment for failure to timely file a reply to the Office action of April 29, 2008 is hereby withdrawn and the application restored to pending status.

Telephone inquiries concerning this decision should be directed to April M. Wise at 571-272-1642. All other inquiries concerning the examination or the status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 3736 for appropriate action in the normal course of business on the reply received with petition.

/dab/
David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

GILBRETH & ASSOCIATES PC
PO BOX 2428
BELLAIRE TX 77402-2428

COPY MAILED

AUG 2 4 2006

OFFICE OF PETITIONS

In re Application of	:	
McMillan, et al.	:	
Application No. 10/848,547	:	ON PETITION
Filed: May 17, 2004	:	
Attorney Docket No. 26780/26	:	

This is a decision on the paper titled "PETITION TO REVIVE AN ABANDONED APPLICATION UNDER 37 CFR 1.137(a)", filed January 20, 2006, which is being treated as petition to revive under 37 CFR 1.137(b) in light of petitioner's authorization to charge the fee for a petition under §1.137(b) to his deposit account.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to timely file a response to the non-final Office action mailed June 15, 2005, which set a shortened statutory period for reply of three (3) months. No extensions of time under 37 CFR 1.136(a) were purchased. Accordingly, no reply having received, the application became abandoned on September 16, 2005. A Notice of Abandonment was mailed on January 12, 2006.

With the instant petition, petitioner paid the petition fee, submitted the required reply in the form of an Amendment, and made the proper statement of unintentional delay.

The matter is being forwarded to Group Art Unit 3673 for consideration of the Amendment filed January 20, 2006.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MONIQUE SHONKA
SCHWEGMAN LUNDBERG WOESSNER AND KLUTH, PA
1600 TCF TOWER
121 SOUTH EIGHTH ST
MINNEAPOLIS, MN 55402

COPY MAILED

AUG 21 2006

OFFICE OF PETITIONS

In re Application of	:	
Kathryn E. Uhrich et al	:	
Application No. 10/848,560	:	DECISION ON PETITION
Filed: May 18, 2004	:	TO WITHDRAW
Attorney Docket No. 1435.023US1	:	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 24, 2006.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to Monique Shonka has been revoked by the assignee of the patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

The correspondence address of record remains unchanged, which is the first address indicated below.

Telephone inquires concerning this decision should be directed to Irvin Dingle at 571-272- 3210.

Amelia Au
Petitions Examiner
Office of Petitions

cc: Viksnins Harris & Padys PLLP
P.O. Box 111098
St. Paul, MN 55111-1098

cc: Viksnins Harris & Padys PLLP
7900 International Drive, Suite 870
Bloomington, MN 55425

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Kent E. Baldauf
700 Koppers Building
436 Seventh Avenue
Pittsburgh PA 15219-1818

COPY MAILED

DEC 0 3 2004

OFFICE OF PETITIONS

In re Application of
Nemoto, et al.
Application No. 10/884,571
Filed: July 2, 2004
Attorney Docket No. 1217-044544
For: BIAXIALLY ORIENTED MULTI-LAYER POLYPROPYLENE FILM AND THE USE THEREOF

: DECISION GRANTING
: PETITION

This is a decision on the petition, filed October 28, 2004 (certificate of mailing date October 26, 2004), requesting, in effect, withdrawal of the Notice of Omitted Item(s) in a Nonprovisional Application (Notice), mailed August 30, 2004.

The application was filed on July 2, 2004. On August 30, 2004, the Office of Initial Patent Examination mailed a Notice informing petitioners that pages 34 and 35 of the specification appeared to have been omitted.

In response to the Notice, petitioners timely filed the present petition on October 28, 2004 (certificate of mailing date October 26, 2004). Petitioners request that pages 34 and 35 be accorded a filing date of July 2, 2004 on the basis that the entire specification, including allegedly missing pages 34 and 35, was received in the Patent and Trademark Office (PTO) on July 2, 2004.

In support, the petition is accompanied by a copy of applicants' itemized postcard receipt showing an Office of Initial Patent Examination generated barcode citing July 2, 2004 as the date of receipt. The postcard lists that the filing included, *inter alia*, 35 pages of specification. A review of the application file reveals that there are 33 pages present. Pages 34 and 35 are missing.

The return postcard constitutes *prima facie* evidence that the entire 35 page specification, including missing pages 34 and 35, was filed on July 2, 2004. MPEP 503. Accordingly, the request is granted.

Pursuant to petitioners' authorization, the $130.00 petition fee will be credited to petitioners' deposit account, no. 23-0650.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of **July 2, 2004**, using the copy of pages 34 and 35 supplied with the petition.

Any inquiries pertaining to this matter may be directed to the undersigned at (571) 272-3230.

E. Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/848,584	05/17/2004	1614	2902	30583-715.201	40	75	7

CONFIRMATION NO. 5950

CORRECTED FILING RECEIPT

021971
WILSON SONSINI GOODRICH & ROSATI
650 PAGE MILL ROAD
PALO ALTO, CA 943041050

OC000000014292296

Date Mailed: 11/04/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

David J. Lockhart, Del Mar, CA;
Hitesh K. Patel, Encinitas, CA;
Zdravko V. Milanov, San Diego, CA;
Shamal Anil Mehta, San Diego, CA;
Patrick Parvis Zarrinkar, San Diego, CA;
William H. Biggs III, San Clemente, CA;
Pietro Ciceri, La Jolla, CA;
Miles A. Fabian, La Jolla, CA;
Daniel K. Treiber, San Diego, CA;

Assignment For Published Patent Application

Ambit Biosciences Corporation, San Diego, CA

Power of Attorney: The patent practitioners associated with Customer Number **021971**.

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/471,425 05/16/2003
and claims benefit of 60/480,289 06/20/2003
and claims benefit of 60/488,178 07/16/2003
and claims benefit of 60/488,172 07/16/2003
and claims benefit of 60/480,475 06/20/2003
and claims benefit of 60/516,610 10/30/2003
and claims benefit of 60/516,651 10/30/2003
and claims benefit of 60/516,616 10/30/2003

Foreign Applications

If Required, Foreign Filing License Granted: 07/19/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/848,584

Projected Publication Date: 12/23/2004

Non-Publication Request: No

Early Publication Request: No

Title

Pyrrole compounds and uses thereof

Preliminary Class

424

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy

order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

4-10-06

Patent No. : 7,017,026
Inventor(s) : Adi Yoaz, et. al.
Issued : March 21, 2006
Title : GENERATING LOOKAHEAD TRACKED REGISTER VALUE BASED ON ARTIHMETIC OPERATION INDICTION
Docket No. : Intel 2207/619602

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of 37 CFR 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Fee(s) Transmittal Form PTOL-85B. After payment of the issue fee, correction of assignment data submitted on the PTOL-85B can only be done by Certificate of Correction under 37 CFR 1.323, with a request under 37 CFR 3.81(b).

A request for a patent to be corrected to state the name of the assignee must:

A. state that the assignment was submitted for recordation as set forth in 37 CFR 3.11 before issuance of the patent;
B. include a request for a certificate of correction under 37 CFR 1.323 along with the fee set forth in 37 CFR 1.20(a); and
C. include the processing fee set forth in 37 CFR 1.17(i).

If the request is granted, Certificates of Correction Branch will be notified that a Certificate of Correction may be issued.
See Manual of Patent Examining Procedure, Section 1481.01 (Rev. 3) (Oct. 2005).

Applicant has not included items A and or C above, accordingly, the request for Certificate of Correction to add or change the assignee data is dismissed.
Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: 571-273-8300
ATTN: Office of Petitions

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

In view of the foregoing, your request is hereby denied.

Eva James
For Cecelia Newman
Decisions & Certificates
of Correction Branch
(703) **308-9390 ext. 124** or (703) 305-8309

Sumit Bhattacharya
Kenyon & Kenyon LLP
333 West San Carlos Street, Suite 600
San Hose, CA 95110

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

KENYON & KENYON LLP
RIVERPARK TOWERS, SUITE 600
333 W. SAN CARLOS ST.
SAN JOSE CA 95110

COPY MAILED
OCT 3 0 2006
OFFICE OF PETITIONS

In re Patent of :
Yoaz, et al. :
Patent No. 7,017,026 :
Issue Date: March 21, 2006 : ON PETITION
Application No. 10/848,602 :
Filing Date: May 12, 2004 :
Attorney Docket No. Intel 2207/619602 :

This is a decision on the request filed under 37 CFR 3.81(b) to accept the correction of the assignee data after the patent has issued. The request was filed on May 2, 2006 (certificate of mailing date April 26, 2006). In addition, this decision addresses the request for reprinting the patent, filed March 31, 2006 (certificate of mailing date March 29, 2006), which is being treated under 37 CFR 1.182.

The request under 37 CFR 3.81(b) is **granted**.

The petition under 37 CFR 1.182 is **granted**.

37 CFR 3.81(b) currently states:

> 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.

In other words, the request under 37 CFR 3.81(b) will be granted when:

(1) a request under 37 CFR 3.81 and the fee set forth in 37 CFR 1.17(i) are filed,

(2) the assignment was submitted for recordation prior to issuance of the patent, and
(3) a request for a certificate of correction and the fee set forth in 37 CFR 1.20(a) are submitted.

Petitioner has met the requirements set forth above. Therefore, the request is granted.

When certain requirements are met, the Office will reprint the front page. Petitioner should note that the front page is reprinted for petitioner's records only, and the Office's records of the patent are not changed, except to add the certificate of correction. On the USPTO Internet web site, e.g., the original patent's front page remains as originally printed and is not replaced by the new front page.

The USPTO will reprint the front page of the Letters Patent if the following conditions are met:

1. Submission of a petition under 37 CFR 1.182,
2. Payment of a $130 petition fee, and
3. Payment of a $100 fee to place a certificate of correction in the USPTO archives.

Pursuant to petitioner's authorization, deposit account no. 11-0600 will be charged the $130.00 Rule 182 petition fee.

Petitioner has met the requirements set forth above. Therefore, the petition is granted.

The file is being forwarded to the Certificates of Correction Branch for issuance of the requested Certificate of Correction.

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis 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
www.uspto.gov

Edward W. Bulchis, Esq.
DORSEY & WHITNEY LLP
Suite 3400
1420 Fifth Avenue
Seattle WA 98101

COPY MAILED
DEC 0 7 2006
OFFICE OF PETITIONS

In re Application of	:	
Ralph James	:	
Application No. 10/848,606	:	DECISION GRANTING PETITION
Filed: May 17, 2004	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 501339.01 (30323/US)	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed December 5, 2006, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on November 13, 2006 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Terri Williams at (571) 272-2991.

This application is being referred to Technology Center AU 2189 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
www.uspto.gov

COPY MAILED

AUG 0 7 2006

OFFICE OF PETITIONS

JOHN T. WINBURN
100 BOSCH BOULEVARD
NEW BERN NC 28562

In re Application of	:	
Ursula CALIS et al.	:	DECISION ON PETITIONS
Application No. 10/848,609	:	UNDER 37 CFR 1.183 AND
Filed: May 18, 2004	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 2001P16046WOUS	:	

This is a decision on the petition under 37 CFR 1.183, filed March 20, 2006, requesting waiver of 37 CFR 1.78(a)(3) as that rule operates in conjunction with 37 CFR 1.17(t), and a decision on the petition under 37 CFR 1.78(a)(3), filed April 28, 2006, to accept an unintentionally delayed claim under 35 U.S.C. § 120 and 365(c) for the benefit of priority to prior-filed PCT Application No. PCT/EP02/12337, filed November 5, 2002, set forth in the accompanying Application Data Sheet.

The petition under 37 CFR 1.183 is **DISMISSED** as moot in view of the request filed April 28, 2006, withdrawing the petition to waive the surcharge fee requirement of 37 CFR 1.78(a)(3). No fee has been assessed to petitioner's deposit account for the petition under 37 CFR 1.183.

The petition under 37 CFR 1.78(a)(3) is **GRANTED.**

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;

(2) the surcharge set forth in § 1.17(t); and

(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

All the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 120 and 365(c) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that the application is entitled to the benefit of the prior-filed application. In order for the application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. §§ 120 and 365(c) and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to David Bucci at (571) 272-7099. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to the examiner of Technology Center Art Unit 2832 for appropriate action on the amendment filed April 28, 2006, including consideration of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 and 365(c) to the above-noted, prior-filed PCT application.

David Bucci
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Paper No.

Brinks Hofer Gilson & Lione
P.O. Box 10395
Chicago IL 60610

COPY MAILED

APR 0 8 2008

OFFICE OF PETITIONS

In re Patent No. 7,283,637	:	
Suzuki et al.	:	DECISION ON REQUEST
Issue Date: October 16, 2007	:	FOR
Application No. 10/848,613	:	RECONSIDERATION OF
Filed: May 18, 2004	:	PATENT TERM ADJUSTMENT
Attorney Docket No. 9281-4853	:	

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT," filed December 17, 2007. Patentees assert that the patent term adjustment should be at least 445 days - 4 days + 151 days for a total of five hundred ninety-two (592) days.

The request for reconsideration of the patent term adjustment under § 1.705(d) is **DISMISSED**.

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 October 16, 2007, the above-identified application matured into U.S. Patent No. 7,283,637, with a revised Patent Term Adjustment of 441 days. The instant request for reconsideration filed Monday, December 17, 2007 was timely filed within 2 months of the date the patent issued. See § 1.705(d). Patentees assert that an additional period of adjustment of 151 days should have been entered for the Office taking in excess of three years to issue the patent.

With respect to §1.703(b), it is noted that the patent issued three years and 151 days after its filing date. However, the period for over 3 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. Patentees are incorrect in treating the relevant period as starting on May 18, 2007, the date that is 3 years after the actual filing date of the application.

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. Further, in considering the overlap, 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). See 35 U.S.C. 154(b)(1)(B); 35 U.S.C. 154(b)(2)(A); and 37 CFR 1.703(f). In this instance, it was properly concluded that the 445 days accorded pursuant to 1.702(a)(1) for Office delay during the pendency of the application overlapped with the 151 days pursuant to 1.703(b). Thus, no additional period of adjustment was entered for Office delay in issuing the patent.

In view thereof, the patent term adjustment of 441 days indicated in the patent is correct.

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Priest & Goldstein, PLLC
5015 Southpark Drive, Suite 230
Durham NC 27713-7736

COPY MAILED

AUG 2 0 2004

OFFICE OF PETITIONS

In re Application of
Pechanek, Kurak & Larsen
Application No. 10/848,615
Filed: May 18, 2004
Attorney Docket No. 800.0039 A1134
For: METHODS AND APPARATUS FOR ABBREVIATED INSTRUCTION SETS ADAPTABLE TO CONFIGURABLE PROCESSOR ARCHITECTURE

: DECISION ACCORDING STATUS
: UNDER 37 CFR 1.47(a)

This is in response to the petition under 37 CFR 1.47(a), filed May 18, 2004.

The petition is granted.

Petitioners have shown that the non-signing inventor, Charles W. Kurak, Jr., has constructively refused to join in the filing of the above-identified application after having been presented with the application papers. Specifically, the declarations of Mrs. Marianna M. Tortorelli and Attorney Joseph B. Agusta establish that Mr. Kurak received the reissue amendment and a declaration for his signature, but Mr. Kurak refused to cooperate until several preconditions were met. Mr. Kurak's behavior is a constructive refusal to join in the filing of the application. Petitioners have 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 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

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

CHARLES W. KURAK, JR.
5823 KILTSHIRE RD.
DURHAM, NC 27712-1066

COPY MAILED

AUG 2 0 2004

OFFICE OF PETITIONS

In re Application of
Pechanek, Kurak & Larsen
Application No. 10/848,615
Filed: May 18, 2004
Attorney Docket No. 800.0039 A1134
For: METHODS AND APPARATUS FOR ABBREVIATED INSTRUCTION SETS ADAPTABLE TO CONFIGURABLE PROCESSOR ARCHITECTURE

LETTER

Dear Mr. Kurak:

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 (703) 308-6712. After September 28, 2004, please call (571) 272-3230.

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

ATTORNEY OF RECORD: Priest & Goldstein, PLLC
5015 Southpark Drive, Suite 230
Durham NC 27713-7736

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Peter H. Priest
5015 Southpark Drive, Suite 230
Durham NC 27713

COPY MAILED
OFFICE OF PETITIONS
COPY MAILED
JAN 29 2008
OFFICE OF PETITIONS

In re Application of
Pechanek, et al.
Application No. 10/848,615
Filed: May 18, 2004
Attorney Docket No. N/A
For: METHODS AND APPARATUS FOR ABREVIATED INSTRUCTION SETS ADAPTABLE TO CONFIGURABLE PROCESSOR ARCHITECTURE

ON PETITION

This is a decision on the petition captioned under 37 CFR 1.47(a), requesting that a supplemental declaration be accepted without the signatures of all named inventors. The petition will be treated under 37 CFR §1.183 as a request of waiver of 37 CFR § 1.67 which requires that a supplemental declaration be executed by all named inventors.[1]

The petition under 37 CFR §1.183 requesting waiver of 37 CFR § 1.67 is **granted**.

Petitioner paid a $130.00 petition fee. A Rule 183 petition fee is $400.00. Pursuant to petitioner's authorization, deposit account no. 50-1058 will be charged the balance due, or $270.00.

Petitioner has established that non-signing joint inventor, Charles W. Kurak, has constructively refused to execute the supplemental declaration and return it. In view of the constructive refusal, it is agreed that justice would be served by waiving the requirement for his signature on the supplemental declaration filed November 19, 2007.

The aforementioned supplemental declaration has been accepted, on petition, and placed in the file.

This application is being forwarded to Technology Center G.A.U. 2111 for consideration of the amendment to the claims and drawings filed on November 19, 2007.

[1] Once an application has received a fully executed oath or declaration and been placed on the files for examination, the provisions of 37 CFR 1.47 no longer apply. Rather, the remedy for treating an inventor's refusal to also sign a supplemental oath or declaration is waiver of 37 CFR 1.67. See MPEP 603.

Telephone inquiries related 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
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

VERONICA C. GUIDRY
9376 AMEN WAY
ELK GROVE, CA 95758

COPY MAILED

NOV 0 4 2005

OFFICE OF PETITIONS

In re Application of :
Veronica Cade Guidry :
Application No. 10/848,632 : DECISION ON PETITION
Filed: May 20, 2004 : TO MAKE SPECIAL UNDER
For: Changeable Shoes : 37 CFR 1.102(d)
:

This is a decision on the petition under 37 CFR §1.102(d), filed September 30, 2005, 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 **DISMISSED.**

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 instant petition includes all of the requirements above except item (B). The petition fails to make a rigid comparison of the alleged infringing product since applicant's claims do not mention interchangeable shoes. In view of this deficiency, the petition is dismissed.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By FAX: (571) 273-8300

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.

The application is being forwarded to the Technology Center Art Unit 3728 for action in its regular turn.

Denise Pothier
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Valeo Climate Control Corp.
Intellectual Property Dept.
4100 North Atlantic Boulevard
Auburn Hills, MI 48326

COPY MAILED

JAN 0 5 2005

OFFICE OF PETITIONS

In re Application of :
Ailloud, Naji and Bamdad-Soufi :
Application No. 10/848,633 : DECISION ACCORDING
Filed: May 19, 2004 : STATUS UNDER
Attorney Docket No. TFR0212 : 37 CFR 1.47(a)
For: Ventilation Device for a :
Passenger Compartment with Noise :
Attenuator :

This is in response to the petition under 37 CFR 1.47(a), filed December 16, 2004. Petitioner obtained a three-month extension of time. Accordingly, the petition is filed timely.

The petition is granted.

Petitioner has shown that Djahanchah Bamdad-Soufi, 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 Declaration of Facts of Sophie Privat establishes that Ms. Privat mailed the application papers, including the specification, claims and drawings to the inventor on several occasions; however, Mr. Bamdad-Soufi 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 application 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 (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

AIR MAIL

Djahanchah Bamdad-Soufi
1, rue de la Foret Verte
78120 Rambouillet France

COPY MAILED

JAN 0 5 2005

OFFICE OF PETITIONS

In re Application of
Ailloud, Naji and Bamdad-Soufi
Application No. 10/848,633
Filed: May 19, 2004
Attorney Docket No. TFR0212
For: Ventilation Device for a Passenger Compartment with Noise Attenuator

LETTER

Dear Mr. Bamdad-Soufi:

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

Valeo Climate Control Corp.
Intellectual Property Dept.
4100 North Atlantic Boulevard
Auburn Hills, MI 48326

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

VALEO CLIMATE CONTROL CORP
INTELLECTUAL PROPERTY DEPT
4100 NORTH ATLANTIC BOULEVARD
AUBURN HILLS, MI 48326

COPY MAILED

MAR 2 4 2006

OFFICE OF PETITIONS

In re Application of :
Fabrice Ailloud, et al. :
Application No. 10/848,633 : ON PETITION
Filed: May 19, 2004 :
Attorney Docket No. TFR0212 :

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 5, 2006.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

Thomas P. Liniak has been withdrawn as attorney or agent of record; all other attorneys remain of record.

Telephone inquiries concerning this decision should be directed to Retta Williams at (571) 272-3229.

Denise Pothier
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SCHMEISER, OLSEN & WATTS
22 CENTURY HILL DRIVE
SUITE 302
LATHAM NY 12110

COPY MAILED

FEB 21 2007

OFFICE OF PETITIONS

In re Application of :
David Baker :
Application No. 10/848,639 : DECISION ON PETITION
Filed: 05/19/2004 :
Attorney Docket No. CP-5161 :

This is a decision on the petition under 37 CFR 1.181, filed December 22, 2006, to withdraw the holding of abandonment for the above-identified application.

On December 16, 2005, the Office mailed a final Office action, which set a three-month shortened statutory period to reply. On February 21, 2006, applicant submitted an amendment in response to the final Office action. On March 2, 2006, the examiner mailed an Advisory Action, indicating that the amendment filed on February 21, 2006, did not place the application in condition for allowance. In the apparent absence of a timely filed response to the final Office action, the Office mailed a Notice of Abandonment on December 21, 2006.

In the present petition, applicant requested that the Office withdraw the holding of abandonment because applicant filed a timely reply to the final Office action. Specifically, applicant asserted that applicant filed a Notice of Appeal/Fee with a one-month extension of time, via the electronic filing system, on Monday, April 17, 2006. Applicant explained: "At the time of filing the Notice of Appeal, the notice was selected from the fee payment section and it was timely paid in connection with the applicant's account." *Petition dated 12/22/06, p. 2.*

A review of the record indicates that on April 17, 2006, applicant submitted a fee transmittal for a notice of appeal and a one-month extension of time, which was received by USPTO and charged to the Deposit Account. The submission of the fee transmittal; the selection of the notice of appeal as the fee payment; and the payment of the $500.00 fee, were sufficient to meet the filing requirements as set forth in 37 CFR 41.31.

Accordingly, the petition to withdraw the holding of abandonment is **granted**. The application is restored to pending status in view of the fact that a response was filed timely and received in the USPTO.

The Office acknowledges the timely receipt of the appeal brief, accompanied by a request for a one-month extension of time, on June 26, 2006.

The $130.00 petition fee is unnecessary and will be refunded to the Deposit Account.

The matter is being referred to the Technology Center Art Unit 3723 for review of the appeal brief filed June 26, 2006.

Telephone inquiries concerning this matter 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 Technology Center.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 12/12/06

TO SPE OF : ART UNIT 2819

SUBJECT : Request for Certificate of Correction on Patent No.: 7071736

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:

Correction does not change the scope of the claims as properly allowed.

Renford Parrine
SPE

2819
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

William R. Haulbrook, Ph.D.
Goodwin Procter LLP
Exchange Place
Boston, MA 02109

In re Application of:	:	
Schomacker et al..	:	DECISION ON PETITION
Serial No.: 10/848,735	:	FOR USE OF COLOR PHOTOGRAPHS AND
Filed: May 19, 2004	:	COLOR DRAWINGS UNDER 37 C.F.R
Attorney Docket No.: **MDS-033C1**	:	1.84(a)(2) AND (b)(2)

This is a decision in response to the petition under 37 C.F.R. 1.84(a)(2) and (b)(2) filed June 22, 2006. The petition fee has been paid.

The petition is **GRANTED**.

The Petition sets forth an explanation regarding why the color drawings are necessary, an explanation regarding why the color photographs are necessary, the required fee, three sets of color drawings, and three sets of color photographs. The required paragraph is already present in the Specification.

Accordingly, the color drawings and color photographs are accepted as formal drawings in the above-referenced application.

David P. Porta, Supervisor
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Fish & Richardson P.C.
P.O. Box 1022
Minneapolis, MN 55440-1022

In re Application of:	:	
Schomaker et al..	:	DECISION ON PETITION
Serial No.: 10/848,735	:	FOR USE OF COLOR PHOTOGRAPHS AND
Filed: 19 May 2004	:	COLOR DRAWINGS UNDER 37 C.F.R
Attorney Docket No.: **MDS-033C1**	:	1.84(a)(2) AND (b)(2)

This is a decision in response to the petition under 37 C.F.R. 1.84(a)(2) and (b)(2) filed June 22, 2006. The petition fee has been paid.

The petition is **GRANTED**.

The Petition sets forth the required fee, three sets of color photographs three sets of color drawings, and the required paragraph in the Specification.

Accordingly, the color photographs and color drawings are accepted as formal drawings in the above-referenced application.

David P. Porta, Supervisor
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 4/20/2007

TO SPE OF : ART UNIT 1600 (1623)

SUBJECT : Request for Certificate of Correction on Patent No.: 6,995,260

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file ***(PFW)**, within 7 days to:
Certificates of Correction Branch – 2900 South Tower ste.9A43A
Palm location **7580** or forward ***(IFW)** to scanning using document code **COCX**.

***Ok to enter Changes to claims as req. in COCIN?**

Ernest C. White, LIE (703) 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.

☒ **Approved**	**All** changes apply.
☐ **Approved in Part**	Specify below which changes **do not** apply.
☐ **Denied**	State the reasons for denial below.

Comments:

The C of C has been approved and okay to enter.

/Shaojia A. Jiang/
SPE

1623
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

THE WEBB LAW FIRM, P.C.
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH PA 15219

COPY MAILED

NOV 16 2006

OFFICE OF PETITIONS

In re Application of :
Anton Sonnenberg :
Application No. 10/848,745 : DECISION GRANTING PETITION
Filed: May 19, 2004 : UNDER 37 CFR 1.137(b)
Attorney Docket No. 2475-040292 :

This is a decision on the petition under 37 CFR 1.137(b), filed February 2, 2006, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of the issue fee and publication fee (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of Allowance of October 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 Patent Publication.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WOOD, HERRON & EVANS LLP
2700 CAREW TOWER
441 VINE STREET
CINCINNATI, OHIO 45202

COPY MAILED

JUN 27 2007

OFFICE OF PETITIONS

In re Application of :
Thomas K. Monroe et al :
Application No. 10/848,760 : DECISION ON PETITION
Filed: May 18, 2004 :
Attorney Docket No. OPWFM/2 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 25, 2006, to revive the above-identified application.

The petition is **DISMISSED** as moot for the reasons stated below.

A review of the file record discloses the following:

- A non-final Office action was mailed on February 2, 2006, which set a three (3) month shortened statutory period for reply.
- On August 2, 2006, a reply, request for Continued Prosecution Application (CPA) under 37 CFR 1.53(d) (treated by the Office as a request for continued examination[1]) and a three month extension of time were received.
- On October 11, 2006, the Office mailed out a Notice of Improper Request for Continued Examination as prosecution in this application had not closed. *See* 37 CFR 1.114. (The fees paid for the improper RCE will be refunded in due course.)
- On October 16, 2006, the Office mailed a Notice of Non-Compliant Amendment (37 CFR 1.121). As the reply of August 2, 2006 was in reply to a non-final Office action, a one (1) month extendable period under 37 CFR 1.136(a) to correct the non-compliant drawings submitted on August 2, 2006 was set.

[1] Effective July 14, 2003, the continued prosecution application (CPA) practice set forth in 37 CFR 1.53(d) was eliminated as to utility and plant applications. An improper CPA in a utility application filed on or after June 8, 1995 will be treated as a request for continued examination under 37 CFR 1.114. *See* MPEP Sections 201.06 and 212.06(d).

Therefore, petitioner had up to November 16, 2006 to correct the deficiency in the drawings, or up to and including April 16, 2007, with the appropriate extension of time fee.

As applicant had up to and including April 16, 2007 to reply to the October 16, 2006 Notice of Non-Compliant Amendment, this application was not abandoned at the time of filing of the petition to revive. Therefore, the petition is dismissed as involving a moot issue. Further, as this application was not abandoned at the time of filing of the continuing application stated to have been filed of even date, it is unnecessary to revive this application for copendency purposes.

In view of the above, the $1,500 petition fee submitted is unnecessary and will be refunded to petitioner's deposit account in due course.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-2318.

As a timely reply to the Notice of October 16, 2006 has not been submitted, this application will be referred to Technology Center AU 3673 for further processing as an abandoned application.

Frances Hicks
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

In re Application of :
John Bryan Beatenbough *et al* : DECISION ON PETITION
Application No. 10/848,764 :
Filed: May 19, 2004 :
Attorney Docket No. 0212.67133 :

MAILED

JAN 05 2005

Director's Office
Group 3700

This is a decision on the petition to make special filed on August 18, 2004. The petition is submitted pursuant to the practice established in MPEP § 708.02(II) "Infringement." The $130.00 petition fee has been received.

The petition is granted.

A review of the petition shows that petitioners have satisfied all of the requirements of the above-cited MPEP section. Accordingly, the examiner will treat this application as special throughout its prosecution. Prior to the first action on the merits, the examiner will conduct a rigorous search for potentially interfering applications. The interference search will be brought up to date prior to each successive action.

The Supervisory Patent Examiner of Patent Examining Art Unit 3744 will be notified of this decision, and will inform the assigned examiner to take action not inconsistent there with this decision.

PETITION GRANTED.

Stephen Marcus, Special Program Examiner,
Technology Center 3700

McNair Law Firm, P.A.
P.O. Box 10827
Greenville, SC 29603-0827

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MICHAEL C. MAYO
BAXTER INTERNATIONAL INC.
DF3-2E
ONE BAXTER PARKWAY
DEERFIELD, IL 60015

COPY MAILED

JUL 19 2005

OFFICE OF PETITIONS

In re Application of	:	
Barrett Rabinow et al	:	
Application No. 10/848,765	:	ON PETITION
Filed: May 19, 2004	:	
Attorney Docket No. IFT-6036	:	

This is a decision on the petition under 37 CFR 1.137(b), filed April 18, 2005, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of nonprovisional Application (Notice) mailed July 21, 2004. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on September 22, 2004.

Telephone inquiries concerning this decision should be directed to Wan Laymon at (571) 272-3220.

This matter is being referred to the Office of Initial Patent Examination.

Wan Laymon
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MR. CASIMIR R. KICZEK
DURA AUTOMOTIVE SYSTEMS, INC.
2791 RESEARCH DRIVE
ROCHESTER HILLS, MI 48309

COPY MAILED

JUN 30 2005

OFFICE OF PETITIONS

In re Application of :
Madhu Posani et al :
Application No. 10/848,767 :
Filed: May 18, 2004 :
Attorney Docket No. 03-18 :

CORRECTED DECISION
UNDER 37 CFR 1.137(b)

This is a corrected decision on the petition under 37 CFR 1.137(b), filed June 13, 2005, to revive the above-identified application. The decision granting the instant petition mailed on June 28, 2005 is vacated.

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)." Petitioner is advised that this is **not** a final agency action decision.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed July 20, 2004. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on September 21, 2004.

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by: (1) the required reply (unless previously filed), which may met by the filing of a continuing application in a nonprovisional application abandoned for failure to prosecute, but must be the payment of the issue fee or any outstanding balance thereof in an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof; (2) the petition fee 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)). This petition lacks items (1) and (2) above.

As to item (1), the surcharge fee ($130) is missing.

As to item (2), applicant must pay a petition fee of $1,500.00 in order for the petition to be granted.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (703) 872-9306
ATTN: Office of Petitions

Telephone inquiries concerning this decision should be directed to Wan Laymon at (571) 272-3220.

Wan Laymon
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MR. CASIMIR R. KICZEK
DURA AUTOMOTIVE SYSTEMS, INC.
2791 RESEARCH DRIVE
ROCHESTER HILLS, MI 48309

COPY MAILED

SEP 15 2005

OFFICE OF PETITIONS

In re Application of	:	
Madhu Posani	:	
Application No. 10/848,767	:	ON PETITION
Filed: May 18, 2004	:	
Attorney Docket No. 03-18	:	

This is a decision on the renewed petition under 37 CFR 1.137(b), filed August 29, 2005, to revive the above-identified application.

The petition is **GRANTED**.

Pursuant to petitioner's authorization, Deposit Account No. 50-0865 was charged a total of $1,630.00 -- $1,500.00 for the petition to revive an unintentionally abandoned application and $130.00 for the surcharge.

Telephone inquiries concerning this decision should be directed to Wan Laymon at (571) 272-3220.

This matter is being referred to the Office of Initial Patent Examination.

Wan Laymon
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ROBERT D. SHEDD, PATENT OPERATIONS
THOMSON LICENSING LLC
P.O. BOX 5312
PRINCETON NJ 08543-5312

MAILED

MAY 10 2010

OFFICE OF PETITIONS

In re Application of
Jens Brocke et al.
Application No. 10/848,771
Filed: May 19, 2004
Attorney Docket No. PD030044

: ON PETITION

This is a decision on the petition under 37 CFR 1.137(b)[1], filed March 16, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the Final Office Action mailed June 29, 2009. A response was filed October 29, 2009 with a one month extension of time, but by Advisory Action of November 6, 2009, petitioner was advised that the response did not place the application in condition for allowance. Accordingly, a Notice of Abandonment was mailed February 18, 2010.

Petitioner has submitted a Request for Continued Examination (RCE) with a request that the previously filed amendment of October 29, 2009 be considered as the submission required under 37 CFR 1.114.

This matter is being referred to Technology Center 2464 for processing of the RCE.

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)).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DAVID W. COLLINS
INTELLECTUAL PROPERTY LAW
SUITE 125B
75 CALLE DE LAS TIENDAS
GREEN VALLEY, AZ 85614

COPY MAILED

JUN 0 9 2008

In re Application of :
Yong CHEN, et al :
Application No. 10/848,772 : DECISION ON PETITION
Filed: May 18, 2004 :
Attorney Docket No. 10004617-1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 10, 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 5, 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 6, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an election, (2) the petition fee of $1540; and (3) an adequate 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 Technology Center AU 1796 for appropriate action by the Examiner in the normal course of business on the reply received April 10, 2008.

Thurman Page
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

COPY MAILED

MAY 0 1 2009

OFFICE OF PETITIONS

MERCHANT & GOULD (MICROSOFT)
P.O. BOX 2903
MINNEAPOLIS MN 55402-0903

In re Application of :
Jesse Clay Saterfield et al :
Application No. 10/848,774 : DECISION GRANTING PETITION
Filed: May 19, 2004 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. :
60001.0255USU1/301751.01 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed April 30, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on March 26, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 2541 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

MAY 17 2010

OFFICE OF PETITIONS

UNISYS CORPORATION
UNISYS WAY
MAIL STATION E8-114
BLUE BELL, PA 19424

In re Application of
Daryl J. Kress, et al.
Application No. 10/848,788
Filed: May 19, 2004
Attorney Docket No. RA 5625 (33012/389/101)

ON PETITION

This is a decision in response to the petition, filed March 8, 2010, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. However, in accordance with 37 CFR 1.34(a), the signature of Robert P. Marley appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, September 2, 2009, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on December 3, 2009. On March 8, 2010, the present petition was filed, along with an amendment and a petition for extension of time. This decision precedes the mailing of a Notice of Abandonment.

Extensions of time under 37 CFR 1.136 are available only if asked for prior to or within the response period set by statute. In no case, however, may an applicant respond later than the maximum time period set by statute. The extension of time submitted March 8, 2010 was filed when the provisions of 37 CFR 1.136 could no longer be used. Therefore, this application became abandoned when the unextended time for response had expired. Since no extension of time fees are due on a petition for revival, the $1,110 extension fees submitted after abandonment are being credited to counsel's deposit account.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of amendment; (2) the petition fee of $1,620; and (3) an adequate statement of unintentional delay[1].

[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 the statement is not made by an attorney of record at the time of abandonment, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

This application is being referred to Technology Center AU 2194 for appropriate action by the Examiner in the normal course of business on the reply received March 8, 2010.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

KREYDIN YEFIM
201 EAST, 28 STREET, APT 2E
NEW YORK, NY 10016

COPY MAILED

JAN 20 2006

OFFICE OF PETITIONS

In re Application of	:	
Zelener et al.	:	
Application No. 10/848,799	:	ON PETITION
Filed: May 18, 2004	:	
Attorney Docket No. 0501/YK	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 9, 2005, 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 **DISMISSED**.

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, such as a doctor's certificate or other medical certificate, showing 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 petition was accompanied by a copy of a letter from Scott Sanders, MD, indicating Lev Zelenev has been diagnosed with basal cell carcinoma on the right cheek. First, the name on the copy of the letter does not match the inventor's name in the Office's records (Lev Zelener). Second, although basal cell carcinoma is a serious condition, the condition does not appear life threatening. Furthermore, petitioner has not provided other evidence showing the state of health of the applicant is such that he might not be available to assist in the prosecution of the application if it were to run its normal course.

The dermatopathology report indicates that the applicant's date-of-birth is May 7, 1934. Petitioner may wish to submit a petition to make special based on the applicant's age.

Further correspondence with respect to this matter should be addressed as follows:

By Mail:
Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand:
U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By FAX: (571) 273-8300

Telephone inquiries concerning this decision should be directed to Petitions Examiner Liana Chase at 571-272-3206.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 3733 for action in its regular turn.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

KREYDIN YEFIM
201 EAST, 28 STREET, APT 2E
NEW YORK, NY 10016

COPY MAILED

FEB 0 9 2006

OFFICE OF PETITIONS

In re Application of	:	
Zelener et al.	:	
Application No. 10/848,799	:	ON PETITION
Filed: May 18, 2004	:	
Attorney Docket No. 0501/YK	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 18, 2004, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a statement from the applicant, as well as a copy of his passport.. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3206.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 3733 for action on the merits commensurate with this decision.

Liana Chase
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

COPY MAILED

JUL 16 2007

OFFICE OF PETITIONS

PEACOCK MYERS, P.C.
201 THIRD STREET NW, SUITE 1340
ALBUQUERQUE, NM 87102

In re Application of :
SPICER, Jeffrey J. :
Application No. 10/848,804 : DECISION ON PETITION
Filed: May 18, 2004 : TO WITHDRAW
Attorney Docket No. **31724-1001** : 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 13, 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 Jeffrey D. Myers on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the sole named inventor Jeffrey J. Spicer 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: **JEFFREY J. SPICER**
19 GREAT WEST LOOP
MORGANS POINT, TX 76513

cc: **JEFFREY J. SPICER**
40 BLAIR STREET
E14 – NN LONDON
UNITED KINGDOM

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

GREGORY A SEBALD
MERCHANT & GOULD PC
PO BOX 2903
MINNEAPOLIS MN 55402-0903

COPY MAILED

SEP 12 2007

OFFICE OF PETITIONS

In re Application of :
Kenneth R. Smith :
Application No. 10/848,833 : DECISION ON PETITION
Filed: May 17, 2004 :
Attorney Docket No. 787.187USC1 :

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed August 15, 2007.

The petition is **GRANTED**.

The above-identified application was held abandoned for failure to timely file a response to the Notice of Non-Compliant Amendment, mailed February 16, 2007. This Notice set an extendable period for reply of one (1) month. A Notice of Abandonment was mailed on July 6, 2007, stating that no response had been received.

Applicants have filed an Amendment on August 15, 2007, made timely by obtaining a five (5) month extension of time. Accordingly, it is obvious that the Notice of Abandonment was prematurely mailed.

In view thereof, **the holding of abandonment is withdrawn.**

The matter is being forwarded to Group Art Unit 3618 for consideration of the Amendment filed August 15, 2007.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JUN 2 9 2005

In re Application of
LEHMAN et al.
Serial Number: 10/848,844
Filed: May 19, 2004
For: ELIMINATION OF CRYSTALLINE SILICA FROM WHITE FOAM GLASS BY CHEMICAL ADDITIONS

PETITION UNDER
M.P.E.P.708.02 V

This is in response to the petition filed August 27, 2004, requesting that the above-identified application be granted Special Status under Sections 708.02 V of the MPEP and 37 CFR 1.102(c) (**no fee required**).

Section 708.02 V of the MPEP indicates "special" status will be accorded to applications "which materially enhance the quality of the environment of mankind by contributing to the restoration or maintenance of basic life-sustaining natural elements, i.e., air, water, and soil".

The petitioner indicates the instant invention is directed to preventing harmful exposure to crystalline silica during production and use of foamed glass as compared to practices of the prior art. However, the reduction of a health hazard due to occupational exposure does not meet the requirements of section 708.02 V of the MPEP. The instant invention is directed to a health hazard in a limited area and is not considered to materially enhance the quality of environment of mankind.

The petition is **DENIED.**

Richard Crispino, Special Programs Examiner
Technology Center 1700
Chemical and Materials Engineering

ROBERT W. BECKER & ASSOCIATES
Suite B
707 Highway 66 East
Tijeras, NM 87059

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/848,874	05/18/2004	Steven Jay Randazzo	JENN001NP	6181

7590 03/14/2007

D'Arcy H. Lorimer
230 Houston Way
Pismo Beach, CA 93449

EXAMINER	
ALLEN, ANDRE J	
ART UNIT	PAPER NUMBER
2855	

MAIL DATE	DELIVERY MODE
03/14/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.go

Appl No.: 10/848,874
Filed: May 18, 2004

DECISION GRANTING PETITION
37 CFR 1.48

This is a decision on the petition under 37 CFR 1.48, filed 1-22-07.

The petition is granted.

Edward Lefkowitz
Supervisory Patent Examiner
Art Unit 2855
Patent Examining Group 2800

D'Arcy H. Lorimer
230 Houston Way
Pismo Beach, CA 93449

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ZIOLKOWSKI PATENT SOLUTIONS GROUP SC (GEMS)
136 S WISCONSIN ST
PORT WASHINGTON WI 53074

COPY MAILED

MAR 07 2007

OFFICE OF PETITIONS

In re Application	: DECISION ON APPLICATON
David M. Hoffman	: FOR PATENT TERM ADJUSTMENT
Application No. 10/848,877	: AND NOTICE OF INTENT
Filed: May 19, 2004	: TO ISSUE
Atty Docket No. GEMS8081.219	: CERTIFICATE OF CORRECTION

This is a decision on the "PETITION FOR PATENT TERM ADJUSTMENT RECONSIDERATION UNDER 37 C.F.R. 1.705(d)" filed September 14, 2006. Applicant requests that the patent term adjustment under 35 U.S.C. 154(b) be corrected from zero (0) days to thirty-five (35) days.

The application for patent term adjustment is **GRANTED**.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is **thirty-five (35) days.** A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On November 10, 2005, 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 thirty-five (35) days. The application issued into Patent No. 7,092,481 on August 15, 2006 with a patent term adjustment on zero (0) days. On September 14, 2006, Patentee timely submitted the instant application for patent term adjustment, asserting that the correct number of days of PTA is thirty-five (35)days.

Patentee states that the patent issuing from the application is not subject to a terminal disclaimer.

Patentee asserts entitlement to a patent term adjustment of thirty-five (35) days on the basis that the PTO improperly assessed Applicants a delay of one hundred thirty-nine (139) days for responding to a November 10, 2005 final Notice of Allowance by filing the issue fee on June 29, 2006. Patentee asserts that they filed the issue fee on December 12, 2005.

The adjustment of one hundred thirty-nine (139) days has been found to be incorrect. A review of the application file confirms that applicants timely paid the issue fee on December 12, 2005, not June 29, 2006 as indicated in PAIR. Accordingly, it is concluded that Applicant should not have been assessed any days of delay for this filing.

In view thereof, the correct determination of patent term adjustment at the time of the mailing of the Notice of Allowance is **thirty-five (35) days** (35 days of PTO delay and 0 days of applicant delay).

The Office acknowledges submission of the $200.00 fee set forth in 37 C.F.R. § 1.18(e).

The application file is being forwarded to the Office of Patent Publication for processing into a patent.

Telephone inquiries specific to this matter should be directed to Cliff Congo, Petitions Attorney, at (571)272-3207.

Mary Johnson for

Kery Fries
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

Enclosure: draft Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

DRAFT CERTIFICATE OF CORRECTION

PATENT : 7,092,481 B2

DATED : August 15, 2006

INVENTOR(S) : David M. Hoffman

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (0) days

Delete the phrase "by 0 days" and insert – by 35 days—

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 9/10/04

TO SPE OF : ART UNIT 2872

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/848889 Patent No.: 6919976

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.

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: _____

All changes approved in order to correct office mistake in regard to claim numbering, inadvertent duplication of claim 25 and entirely omitting allowed pending claim 33.

DREW A. DUNN
SUPERVISORY PATENT EXAMINER

SPE

2872
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

HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS CO 80527-2400

COPY MAILED

SEP 2 0 2006

OFFICE OF PETITIONS

In re Application of :
BELMON et al. :
Application No. 10/848,915 :
Filed: May 18, 2004 :
Attorney Docket No. 200314716-1 :

DECISION
ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed July 28, 2006, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to submit the issue fee in a timely manner in reply to the Notice of Allowance and Fee(s) Due, mailed April 6, 2006, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on July 7, 2006.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of the issue fee of $1400 and the publication fee of $300; (2) the petition fee of $1500; and (3) the required statement of unintentional delay have been received. Accordingly, the issue fee payment is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4787.

The application matter is referred to the Office of Patent Publication.

Denise Pothier
Petitions Examiner
Office of Petitions

cc: Hewlett Packard Company
18110 SE 34th Street
Vancouver, WA 98683

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 3-4-09 Paper No.: _____

TO SPE OF : ART UNIT 1648

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/848976 Patent No.: 7465580

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

Does these claims need to be renumbered? E. Ames

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: _____

Gary B. Nickol — SPE

1648 — 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

MICHAEL L. DIAZ, P.C.
555 REPUBLIC DRIVE, SUITE 200
PIANO, TX 75074

COPY MAILED

SEP 18 2007

OFFICE OF PETITIONS

In re Application of
Donal S. Dunbar, Jr.
Application No. 10/848,986
Filed: May 19, 2004
Attorney Docket No. 5077-0002

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed on October 17, 2006, to revive the above-identified application.

The application became abandoned for failure to respond to the non-final Office action mailed March 15, 2005. A Notice of Abandonment was mailed on February 8, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b), in that, petitioner has supplied (1) the reply in the form of an amendment and nine sheets of drawings, containing Figures 1-11; (2) the petition fee of $750; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

This application file is being referred to Technology Center Art Unit 3746, for review of the amendment filed with the present petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HOWISON & ARNOTT, L.L.P
P.O. BOX 741715
DALLAS, TX 75374-1715

COPY MAILED
SEP 2 0 2006
OFFICE OF PETITIONS

In re Application of :
Lawrence Tibor Greenstein, et. al. :
Application No. 10/848,988 : ON PETITION
Filed: May 19, 2004 :
Attorney Docket No. LOGRE-26,460 :

This is a decision on the petition under 37 CFR 1.137(b), filed July 14, 2006, to revive the above-identified application.

The application became abandoned for failure to reply to the non-final Office action mailed December 9, 2005.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of $750; and (3) an adequate statement of unintentional delay. Therefore, the petition is **GRANTED**.

The Office hereby acknowledges receipt of $1,080 for a five (5) month extension of time filed on July 14, 2006. However, in no event will the statutory period for reply expire later than SIX MONTHS from the mailing date of the non-final action. Petitioner should also note that 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 $1,080 extension of time fee, was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be refunded to petitioner's deposit account.

The application file is being referred to Technology Center Art Unit 2612, 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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BERRY & ASSOCIATES P.C.
9255 SUNSET BOULEVARD
SUITE 810
LOS ANGELES, CA 90069

COPY MAILED
NOV 19 2008

In re Application of :
Greg Conklin :
Application No. 10/848,992 : ON PETITION
Filed: May 18, 2004 :
Attorney Docket No. RN053C1 (2635-028-05):

This is a decision on the communication, filed August 12, 2008, which is being treated as a petition under 37 CFR 1.8(a), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is not signed by a registered attorney or agent or record. However, in accordance with 37 CFR 1.34(a), the signature of John M. Janeway appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Office action of December 12, 2007. A Notice of Abandonment was mailed on June 27, 2008. In response on August 12, 2008, the present petition was filed.

Petitioner states that a timely reply was mailed on June 12, 2008. Petitioner submits a copy of the previously mailed correspondence, including a transmittal letter bearing a certificate of mailing dated June 12, 2008, an amendment and a 3-month petition for extension of time. In fact, the file record indicates that the originally submitted papers were ultimately received on June 16, 2008.

In view of the appropriate extension of time filed June 16, 2008, using the Certificate of Mailing dated June 12, 2008, the response is considered timely. Accordingly, the holding of abandonment for failure to timely file a reply to the Office action of December 12, 2007 is hereby withdrawn and the application restored to pending status.

This application is being referred to Technology Center AU 2621 for appropriate action in the normal course of business on the reply received June 16, 2008.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. All other inquiries regarding this application should be directed to the Technology Center.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WENDEROTH, LIND & PONACK, L.L.P.
2033 K STREET N. W.
SUITE 800
WASHINGTON DC 20006-1021

MAILED
16 JUN 2006

In re Application of :
OHMI, SHINICHIRO :
Application No. 10/849,004 : DECISION ON PETITION
Filed: May 20, 2004 : TO MAKE SPECIAL
For: **ACCESS CONTROL METHOD AND SYSTEM** :

This is a decision on the petition filed June 5, 2006, under Manual of Patent Examination Procedure §708.02, VIII requesting accelerated examination.

The petition under Manual of Patent Examination Procedure §708.02, VIII, must:
(1) be filed prior to receiving any examination by the examiner,
(2) be accompanied by the required fee- $130,
(3) the claims should be directed to a single invention (if it is determined that the claims pertain to more than one invention, then applicant will have to make an election without traverse or forfeit accelerated examination status),
(4) state that a pre-examination search was made, and fully discuss the search method employed, such as classes and subclasses searched, publications, Chemical abstracts, patents, etc. A search made by a foreign patent office satisfies this requirement,
(5) be accompanied by a copy of each of the references most closely related to the subject matter encompassed by the claims if said references are not already of record,
(6) fully discuss the references, pointing out with the particularity required by 37 C.F.R. §1.111 (b) and (c), how the claimed subject matter is patentable over the references.

The petitioner meets all the above-listed requirements. Accordingly, the petition is **GRANTED**.

The application will retain its special status throughout its entire prosecution, including any appeal to the Board of Patent Appeals and Interferences, subject only to diligent prosecution by the applicant. The application file is being forwarded to the examiner for appropriate action in due course.

Kenneth A. Wieder
Special Program Examiner
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.
1800 DIAGONAL ROAD
SUITE 370
ALEXANDRIA VA 22314

MAILED

DEC 14 2005

Technology Center 2100

In re Application of: WATANABE, et al.
Application No. 10/849,006
Filed: May 20, 2004
For: DATA BACKUP SYSTEM AND METHOD FOR THE SAME

DECISION ON PETITION
TO MAKE SPECIAL
(ACCELERATED EXAMINATION)
UNDER M.P.E.P. §708.02 (VIII)

This is a response to the petition filed 09 November 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.

Applicant's submission meets all the criteria set out above. Accordingly, the petition is **GRANTED**.

The application file is being forwarded to the Examiner of Record for accelerated examination according to the procedures set forth in MPEP § 708.02, Section VIII.

Pinchus M. Laufer
Special Program Examiner
Technology Center 2100
Computer Architecture, Software and Information Security
571-272-3599

ds

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No. None

OLIFF & BERRIDGE, PLC
P.O. BOX 19928
ALEXANDRIA VA 22320

COPY MAILED

SEP 12 2007

OFFICE OF PETITIONS

In re Application of	:	
Yukiharu Yoshimi, Yasushi	:	
Okumura, and Masataka Tokuda	:	
Application No. 10/849,010	:	DECISION ON TWO PETITIONS
Patent No. 7,112,302	:	UNDER
Filing Date: May 20, 2004	:	37 C.F.R. §§ 1.182 AND 1.183
Issue Date: September 26, 2006	:	
Attorney Docket Number: 119508	:	
Title: METHODS FOR MAKING SHAPE MEMORY ALLOY PRODUCTS	:	

Background

This is a decision on the "PETITION FOR A REPRINTED AND CORRECTED PATENT TO CORRECT INVENTOR INFORMATION," filed on February 2, 2007, pursuant to 37 C.F.R. §§ 1.182 and 1.183. Petitioner has requested the waiver of Rules §§ 1.322, 1.323, and/or 3.81 so that a corrected patent can be printed.

In short, the patent issued and the first name of one of the inventors was misspelled. Petitioner is not satisfied with the certificate of correction that was issued on January 9, 2007, has asserted that the "situation is thus embarrassing to all parties involved," and has requested both the waiver of these rules and that the patent be reprinted.

A discussion follows.

Applicable Rules

37 C.F.R. §1.182 sets foth, *in toto*:

All situations not specifically provided for in the regulations of this part will be decided in accordance with the merits of each situation by or under the authority of the Director, subject to such other requirements as may be imposed, and such decision will be communicated to the interested parties in writing. Any petition seeking a decision under this section must be accompanied by the petition fee set forth in § 1.17(f).

37 C.F.R. §1.183 sets forth, *in toto*:

In an extraordinary situation, when justice requires, any requirement of the regulations in this part which is not a requirement of the statutes may be suspended or waived by the Director or the Director's designee, sua sponte, or on petition of the interested party, subject to such other requirements as may be imposed. Any petition under this section must be accompanied by the petition fee set forth in § 1.17(h).

37 C.F.R. §1.322 sets forth, *in toto*:

(a)
(1) The Director may issue a certificate of correction pursuant to 35 U.S.C. 254 to correct a mistake in a patent, incurred through the fault of the Office, which mistake is clearly disclosed in the records of the Office:

(i) At the request of the patentee or the patentee' s assignee;
(ii) Acting sua sponte for mistakes that the Office discovers; or
(iii) Acting on information about a mistake supplied by a third party.
(2)
(i) There is no obligation on the Office to act on or respond to a submission of information or request to issue a certificate of correction by a third party under paragraph (a)(1)(iii) of this section.

(ii) Papers submitted by a third party under this section will not be made of record in the file that they relate to nor be retained by the Office.
(3) If the request relates to a patent involved in an interference, the request must comply with the requirements of this section and be accompanied by a motion under § 41.121(a)(2) or § 41.121(a)(3) of this title.
(4) The Office will not issue a certificate of correction under this section without first notifying the patentee (including any assignee of record) at the correspondence address of record as specified in § 1.33(a) and affording the patentee or an assignee an opportunity to be heard.
(b) If the nature of the mistake on the part of the Office is such that a certificate of correction is deemed inappropriate in form, the Director may issue a corrected patent in lieu thereof as a more appropriate form for certificate of correction, without expense to the patentee.

37 C.F.R. §1.323 sets forth, *in toto*:

The Office may issue a certificate of correction under the conditions specified in 35 U.S.C. 255 at the request of the patentee or the patentee's assignee, upon payment of the fee set forth in § 1.20(a). If the request relates to a patent involved in an interference, the request must comply with the requirements of this section and be accompanied by a motion under § 41.121(a)(2) or § 41.121(a)(3) of this title.

37 C.F.R. §3.81 sets forth, *in toto*:

(a) With payment of the issue fee: An application may issue in the name of the assignee consistent with the application's assignment where a request for such issuance is submitted with payment of the issue fee, provided the assignment has been previously recorded in the Office. If the assignment has not been previously recorded, the request must state that the document has been filed for recordation as set forth in § 3.11.

(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 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.

(c) Partial assignees. (1) If one or more assignee, together with one or more inventor, holds the entire right, title, and interest in the application, the patent may issue in the names of the assignee and the inventor.

(2) If multiple assignees hold the entire right, title, and interest to the exclusion of all the inventors, the patent may issue in the names of the multiple assignees.

Analysis of the Petition Pursuant to Rule § 1.183

The present application issued as U.S. Patent Number 7,112,302 on September 26, 2006, and incorrectly listed inventor Yukiharu Yoshimi as Yoshiharu Yoshimi. A certificate of correction was issued on January 9, 2007.

The fee that is associated with the filing of this petition has been charged to Petitioner's Deposit Account, as authorized in the petition.

In order to submit a grantable petition under 37 C.F.R. § 1.183, Petitioner must show (1) that this is an extraordinary situation where (2) justice requires waiver of the rule. In re Sivertz, 227 U.S.P.Q. 255, 256 (Comm'r Pat. 1985).

The existence of an extraordinary situation:

Petitioner has asserted that the issuance of a patent that contains a typographical error in regards to the name of one of the inventors is an extraordinary situation.

Petitioner has characterized this situation as extraordinary, but does not appear to have explained why this is a fair characterization. There does not appear to be anything extraordinary about this situation: the existence of a typographical error on a patent, while not routine, is not extraordinary - hence the existence of certificate of correction practice.

Furthermore, Petitioner has set forth that this situation can "only be remedied by reprinting of the patent." Such is not the case. The entire patent does not need to be reprinted in order for this situation to be remedied: the typographical error affects a single word. All that needs reprinting, in order to remedy this situation, is the first page of the same.

The question of whether justice requires the waiver of the rule:

Petitioner has requested the waiver of Rules §§ 1.322, 1.322, and 3.81. However, none of these rules prohibit the re-printing of either the first page of the patent, or the entire patent itself. In fact, Rule § 1.322(b) even sets forth an instance in which the Office will issue a corrected patent[1]. Moreover, Rule § 3.81 is not applicable to the present situation, as it concerns corrections to the name of an assignee, and not an inventor.

It follows that justice does not require the waiver of Rules §§ 1.322, 1.322, and 3.81.

The petition under 37 C.F.R. § 1.183 is **DISMISSED.**

Analysis of the Petition Pursuant to Rule § 1.182

The fee that is associated with the filing of this petition has been charged to Petitioner's Deposit Account, as authorized in the petition.

The petition under 37 C.F.R. § 1.182 is **GRANTED.**

1 In the present case however, the misspelling of a single word is not the sort of mistake that would necessitate the issuance of a corrected patent.

Petitioner is advised that it is the practice of the U. S. Patent and Trademark Office (USPTO) to issue a certificate of correction to correct an error on the part of an application in those cases where the assignee or attorney data is incorrect or was inadvertently not provided at the time of payment of the issue fee or the inventor's name is misspelled or otherwise incorrect. Note 37 C.F.R. § 1.323 and MPEP § 1482 (35 U.S.C. § 255), which states:

> "Whenever a mistake of a clerical or typographical nature, or of minor character, which was not the fault of the Patent and Trademark Office, appears in a patent and a showing has been made that such mistake occurred in good faith, the Commissioner may, upon payment of the required fee, issue a certificate of correction, if the correction does not involve such changes in the patent as would constitute new matter or would require re-examination. Such patent, together with the certificate, shall have the same effect and operation in law on the trial of actions for causes thereafter arising as if the same had been originally issued in such correct form."

In view of the above, and since the desired correction of the assignee's name has been effected by way of a certificate of correction, it is unnecessary to reprint the front page of the Letters Patent.

However the USPTO will reprint the front page of the Letters Patent if the following conditions are met:

1. Submission of a petition under 37 C.F.R. § 1.182
2. Payment of a $400 petition fee

Petitioner has met the conditions noted above, and as such, the front page of the Letters Patent will be reprinted to include the assignee's name.

Petitioner is advised that the reprinted first page of the Letters Patent granted by this petition is the only one that will reflect the correction of the assignee's name on the front page. All other copies of the patent will reflect the correction of the assignee's name by the presence of a certificate of correction in Office records.

The file is being referred to the Certificates of Correction Branch for reprinting the front page of the original Letters Patent.

Telephone inquiries **regarding this decision** should be directed to the undersigned at (571) 272-3225.

Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

MAIL

SEP 2 1 2005

DIRECTOR OFFICE
TECHNOLOGY CENTER 2100

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.
1800 DIAGONAL ROAD
SUITE 370
ALEXANDRIA VA 22314

In re Application of: KIBA, et al.
Application No. 10/849,022
Filed: May 20, 2004
For: METHOD AND SYSTEM FOR DATA PROCESSING FOR CONTROLLING A CACHE MEORY

DECISION ON PETITION
TO MAKE SPECIAL
(ACCELERATED EXAMINATION)
UNDER M.P.E.P. §708.02 (VIII)

This is a response to the petition filed 11 August 2005 under 37 C.F.R. §1.102(d) and M.P.E.P. §708.02 (VIII): Accelerated Examination, to make the above-identified application special.

The Petition is **DISMISSED**.

M.P.E.P. §708.02, Section VIII which sets out the prerequisites for a grantable petition for Accelerated Examination under 37 C.F.R. §1.102(d) states in relevant part:

A new application (one which has not received any examination by the examiner) may be granted special status provided that applicant (and this term includes applicant's attorney or agent) complies with each of the following items:

(a) Submits a petition to make special accompanied by the fee set forth in **37 CFR 1.17(h)**;

(b) Presents all claims directed to a single invention, or if the Office determines that all the claims presented are not obviously directed to a single invention, will make an election without traverse as a prerequisite to the grant of special status;

(c) Submits a statement(s) that a pre-examination search was made, listing the field of search by class and subclass, publication, Chemical Abstracts, foreign patents, etc. The pre-examination search must be directed to the invention as claimed in the application for which special status is requested. A search made by a foreign patent office satisfies this requirement;

(d) Submits one copy each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and

(e) Submits a detailed discussion of the references, which discussion points out, with the particularity required by 37 CFR 1.111 (b) and (c), how the claimed subject matter is patentable over the references.

In those instances where the request for this special status does not meet all the prerequisites set forth above, **applicant will be notified and the defects in the request will be stated**. The application will remain in the status of a new

application awaiting action in its regular turn. In those instances where a request is defective in one or more respects, applicant will be given one opportunity to perfect the request in a renewed petition to make special. If perfected, the request will then be granted. If not perfected in the first renewed petition, any additional renewed petitions to make special may or may not be considered at the discretion of the Technology Center (TC) Special Program Examiner.

The petition filed 11 August 2005 fails to adequately meet requirement (e) of the criteria set forth above. The discussion of the references does not point out with the particularity required by 37 CFR 1.111(b) and (c) how the claimed subject matter is patentable over the references.

On page 6 of the petition, a first feature of independent claims 1, 6, and 11 is identified. The petition then states that "the prior art does not teach or suggest, at a minimum, the above-described feature." On pages 6-9 of the petition, for all but one of the references deemed most closely related, the discussion states that the reference does not disclose "a computer for executing a program, wherein a storage unit has a cache memory for storing data transmitted from the program, and responsive to an input of a request for flushing transmitted from the program, stores, in a disk device the data stored in the cache memory." All of the features of this statement are included in the first feature. However, this statement contains fewer limitations than the first feature. The petition is confusing as to whether this statement is intended to distinguish the references or whether the first feature is intended to distinguish the references. Clarification is required. The statement on page 10 for the last reference deemed most closely related also includes fewer limitations than the first feature. Again, clarification is required as to whether this statement is intended to distinguish the reference or whether the first feature is intended to distinguish the reference.

Additionally, the first feature recites essentially all of the limitations of claims 1, 6, and 11. Thus, the statement regarding the first feature purports that essentially the entirety of each of claims 1, 6, and 11 is not taught by any of the references deemed most closely related. Such a statement is not a sufficient detailed description.

Also, it is suggested that if the identical statement is being made to distinguish each reference from the claims, then the statement should simply be made once in the petition. (E.g., "None of the references disclose . . . .")

Petition to Make Special **DISMISSED**.

Petitioner is given one opportunity to perfect the petition. Any request for reconsideration must be filed within TWO MONTHS of the mail date of this decision.

Until the renewed petition is submitted, the application will be returned to the examiner's docket to await treatment on the merits in the normal order of examination.

Pinchus M. Laufer
Special Program Examiner
Technology Center 2100
Computer Architecture, Software and Information Security
571-272-3599

ds

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

MAILED

DEC 1 4 2005

Technology Center 2100

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.
1800 DIAGONAL ROAD
SUITE 370
ALEXANDRIA VA 22314

In re Application of: KIBA et al.
Application No. 10/849,022
Filed: May 20, 2004
For: METHOD AND SYSTEM FOR DATA PROCESSING FOR CONTROLLING A CACHE MEMORY

DECISION ON PETITION
TO MAKE SPECIAL
(ACCELERATED EXAMINATION)
UNDER M.P.E.P. §708.02 (VIII)

This is a response to the renewed petition filed 18 November 2005, under 37 C.F.R. §1.102(d) and M.P.E.P. §708.02 (VIII): Accelerated Examination, to make the above-identified application special.

The renewed petition was filed in response to a dismissal of the original petition filed 11 August 2005. The petition was dismissed for failure to provide a detailed discussion of the references, which discussion points out with the particularity required by 37 CFR 1.111(b) and (c), how the claimed subject matter is patentable over the references.

Applicants' submission filed 18 November 2005 corrects the deficiencies noted in the original decision. Although in the discussion the identified feature for each independent claim recites essentially all of the limitations of claims 1, 6, and 11, the discussion is nevertheless sufficient since each independent claim contains relatively few limitations. Accordingly, the petition is **GRANTED**.

The application file is being forwarded to the Examiner of Record for accelerated examination according to the procedures set forth in MPEP § 708.02, Section VIII.

Pinchus M. Laufer
Special Program Examiner
Technology Center 2100
Computer Architecture, Software and Information Security
571-272-3599

ds

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

Mail Date: 04/21/2010

Applicant	: Hakan Lars Erik Norling	: DECISION ON REQUEST FOR
Patent Number	: 7641759	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/849,031	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/20/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **721** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.
1800 DIAGONAL ROAD
SUITE 370
ALEXANDRIA VA 22314

MAIL

SEP 16 2005

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application of
Takeki Okamoto, et al.
Application No. 10/849,038
Filed: May 20, 2004
For: **DISK ARRAY APPARATUS AND CONTROL METHOD FOR THE SAME**

DECISION ON PETITION
TO MAKE SPECIAL

This is a decision on the petition filed August 26, 2005 under Manual of Patent Examination Procedure §708.02, VIII requesting accelerated examination.

The petition under Manual of Patent Examination Procedure §708.02, VIII, must:

(1) be filed prior to receiving any examination by the examiner,
(2) be accompanied by the required fee- $130,
(3) the claims should be directed to a single invention (if it is determined that the claims pertain to more than one invention, then applicant will have to make an election without traverse or forfeit accelerated examination status),
(4) state that a pre-examination search was made, and fully discuss the search method employed, such as classes and subclasses searched, publications, Chemical abstracts, patents, etc. A search made by a foreign patent office satisfies this requirement,
(5) be accompanied by a copy of each of the references most closely related to the subject matter encompassed by the claims if said references are not already of record,
(6) fully discuss the references, pointing out with the particularity required by 37 C.F.R. §1.111 (b) and (c), how the claimed subject matter is patentable over the references.

The petitioner meets all the above-listed requirements. Accordingly, the petition is **GRANTED**.

The application will retain its special status throughout its entire prosecution, including any appeal to the Board of Patent Appeals and Interferences, subject only to diligent prosecution by the applicant. The application file is being forwarded to the examiner for appropriate action in due course.

Krista Zele
Special Program Examiner
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

COPY MAILED

DEC 3 0 2004

OFFICE OF PETITIONS

In re Application of :
Marni Hurwitz : DECISION GRANTED
Application No. 10/849,044 :
Deposited: May 20, 2004 :
Attorney Docket No.: A8775 :

This is a decision on the "Petition under 37 CFR 1.182 to Reinstate Filing Date" filed November 15, 2004, requesting that the above-identified application be accorded the filing date of May 20, 2004.

Application papers in the above-identified application were deposited on May 20, 2004. However, on September 15, 2004, the Office of Initial Patent Examination mailed a "Notice of Incomplete Nonprovisional Application", notifying applicants that the application papers had **not** been accorded a filing date because the application was deposited without drawings.[1]

In response, 5 sheets of drawings, including figures 1-6 and the present petition were filed on November 15, 2004. The petition contends that the application as filed included 5 sheets of drawings and were described in the original filed specification. In support, the petition is accompanied by a copy of applicant's postcard receipt which acknowledges receipt in the office of "Dwg. Sheets 5 " on May 20, 2004.

[1] See 35 U.S.C. 111(a)(4)

Applicant's postcard receipt is prima facie[2] evidence that drawings were received on May 20, 2004, but no drawings are present in the file. Hence, it is clear that the papers for this application were mishandled by the Office. Therefore, it is concluded that 5 sheets of drawings, including figures 1-6, were received on May 20, 2004, as shown in counsel's file, and later misplaced in the Office.

The petition is Granted.

Since the original drawings cannot be located in the Office, the copy of the drawings supplied on November 15, 2004, will be used for processing and examination purposes.

The $130.00 petition fee will be refunded to deposit account 19-4880.

The application will be returned to the Office of Initial Patent Examination for further processing with a **filing date of May 20, 2004**, using the 5 sheets of drawings supplied on November 15, 2004.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3215.

Charlema R. Grant

Charlema R. Grant
Petition Attorney
Office of Petitions

---

[2]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. See MPEP 503.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

In re Application of	: DECISION ON REQUEST
Makoto Nakayashiki et al	: UNDER 37 CFR 1.97
Serial No: 10/849,058	: FOR CONSIDERATION
Filed: May 20, 2004	: OF INFORMATION
For: CONTROL APPARATUS AND METHOD FOR VEHICULAR AUTOMATIC TRANSMISSION	: DISCLOSURE STATEMENT :

The request under 37 CFR 1.97(d) for consideration of an information disclosure statement filed on November 13, 2006 after allowance has been:

(X) GRANTED.

( ) DENIED.

The request lacks:

( ) The required fee under 37 CFR 1.97(d)(2) and 1.17(p).

( ) A proper certification as specified in 37 CFR 1.97(e)(1) or 1.97(e)(2). 37 CFR 1.97(e)(1) requires statement to include that each item of information contained in the IDS was **first** cited in **any** communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the IDS.

The information disclosure statement has been placed of record in the file and will be considered by the examiner. See Federal Register 65 Fed. Reg. 54603 (September 8, 2000); Official Gazette 1238 Off. Gaz. Pat Office 77 (September 19, 2000) for rule changes fo 37 CFR 1.97.

Charles A. Marmor

Charles A. Marmor, SPE
Art Unit 3681
(571) 272-7095

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.
1800 Diagonal Road
Suite 370
Alexandria, VA 22314

MAILED

MAR 2 3 2006

TECHNOLOGY CENTER 2100

In re Application of:
T. MARUYAMA, et al.
Application No. 10/849,060
Filed: May 20, 2004
For: REMOTE DATA COPYING AMONG STORAGE SYSTEMS

DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the petition, filed on 23 September 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.

Applicant's submission of 23 September 2005 meet 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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ENZO BIOCHEM, INC.
527 MADISON AVENUE (9TH FLOOR)
NEW YORK, NY 10022

COPY MAILED

MAY 23 2005

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Dianqing Wu et al :
Application No. 10/849,067 :
Filed: May 19, 2004 :
Attorney Docket No. Enz-68 :

This is a decision on the petition under 37 CFR 1.173(b), filed April 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 Notice to File Missing Parts of Nonprovisional Application (Notice) mailed August 12, 2004. The Notice set a period for reply of two (2) months from the mail date of the Notice. Extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on February 13, 2004.

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. If 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) and petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the instant petition.

Pursuant to petitioner's authorization, Deposit Account No. 50-2735 was charged a total of $815.00 – $750.00 for the petition to revive an unintentionally abandoned application and $65.00 for the surcharge.

Telephone inquiries concerning this decision should be directed to Wan Laymon at (571) 272-3220.

This matter is being referred to the Office of Initial Patent Examination for preexamination processing.

Wan Laymon
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SAWYER LAW GROUP LLP
P O BOX 51418
PALO ALTO, CA 94303

COPY MAILED

NOV 3 0 2007

OFFICE OF PETITIONS

In re Application of :
CINNAMON, BARRY :
Application No. 10/849,069 : DECISION ON PETITION
Filed: May 18, 2004 : TO WITHDRAW
Attorney Docket No. **366022-991100** : 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 09, 2007.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to Sawyer Law Group LLP has been revoked by the assignee of the patent application on November 12, 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 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **DLA PIPER US LLP**
2000 UNIVERSITY AVENUE
E. PALO ALTO, CA 94303-2248

UNITED STATES 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 14 2004

In re Application of	:	
Jack Swearman	:	
Serial No. 10/849,095	:	DECISION ON PETITION
Filed: May 20, 2004	:	TO MAKE SPECIAL
For: BILLARD GAMES	:	

Applicant's petition, filed May 20, 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

Richard L. Huff
19304 Olney Mill Road
Olney, MD 20832

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JAGTIANI + GUTTAG
10363-A DEMOCRACY LANE
FAIRFAX VA 22030

COPY MAILED

FEB 0 4 2008

OFFICE OF PETITIONS

In re Application of :
LEE, Lian-Pin et al. :
Application No. 10/849,099 : DECISION ON PETITION
Filed: May 9, 2004 : TO WITHDRAW
Attorney Docket No. **JLEE-0001-CP3** : 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 07, 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, wants to be responsible for payment of maintenance fees, does not meet any the conditions set forth in 37 CFR 10.40.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being

submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **GLOBAL MONITORS, INC.**
P.O. BOX 675772
RANCHO SANTA FE, CA 92067

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

EDWARDS & ANGELL, LLP
P.O. BOX 55874
BOSTON MA 02205

COPY MAILED

FEB 0 5 2007

OFFICE OF PETITIONS

In re Application of
Miao et al.
Application No. 10/849,107
Filed: May 19, 2004
Attorney Docket No. 50530-61461

: DECISION ON PETITION
: UNDER 37 CFR 1.78(a)(6)

This is a decision on the petition under 37 CFR 1.78(a)(6), filed November 15, 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 Charlema R. Grant at (571) 272-3215. 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 1654 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.

(Charles Steven Brantley)

FOR Frances Hicks
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/849,107	05/19/2004	1654	775	50530-61461		12	1

CONFIRMATION NO. 5667

21874
EDWARDS & ANGELL, LLP
P.O. BOX 55874
BOSTON, MA 02205

CORRECTED FILING RECEIPT

OC000000022241408

OC000000022241408

Date Mailed: 01/30/2007

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)

Zhenwei Miao, San Diego, CA;
Ying Sun, Waltham, MA;
Suanne Nakajima, Cambridge, MA;
Datong Tang, Malden, MA;
Zhe Wang, Hockessin, DE;
Yat S. Or, Watertown, MA;

Power of Attorney: The patent practitioners associated with Customer Number **21874**.

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/560,734 06/05/2003

Foreign Applications

If Required, Foreign Filing License Granted: 07/23/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/849,107

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

TRI-PEPTIDE HEPATITIS C SERINE PROTEASE INHIBITORS

Preliminary Class

514

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted

under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.
1800 DIAGONAL ROAD
SUITE 370
ALEXANDRIA VA 22314

MAIL

SEP 2 6 2005

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application of :
NISHIYAMA, SHINICHI, et al. :
Application No. 10/849,113 :
Filed: May 20, 2004 :
For: **DISK ARRAY APPARATUS** :

DECISION ON PETITION
TO MAKE SPECIAL

This is a decision on the petition filed September 15, 2005 under Manual of Patent Examination Procedure §708.02, VIII requesting accelerated examination.

The petition under Manual of Patent Examination Procedure §708.02, VIII, must:
(1) be filed prior to receiving any examination by the examiner,
(2) be accompanied by the required fee- $130,
(3) the claims should be directed to a single invention (if it is determined that the claims pertain to more than one invention, then applicant will have to make an election without traverse or forfeit accelerated examination status),
(4) state that a pre-examination search was made, and fully discuss the search method employed, such as classes and subclasses searched, publications, Chemical abstracts, patents, etc. A search made by a foreign patent office satisfies this requirement,
(5) be accompanied by a copy of each of the references most closely related to the subject matter encompassed by the claims if said references are not already of record,
(6) fully discuss the references, pointing out with the particularity required by 37 C.F.R. §1.111 (b) and (c), how the claimed subject matter is patentable over the references.

The petitioner meets all the above-listed requirements. Accordingly, the petition is **GRANTED**.

The application will retain its special status throughout its entire prosecution, including any appeal to the Board of Patent Appeals and Interferences, subject only to diligent prosecution by the applicant. The application file is being forwarded to the examiner for appropriate action in due course.

Kenneth A. Wieder
Special Program Examiner
Technology Center 2600
Communications
571-272-2986

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

AUG 16 2005

REED SMITH LLP
3110 FAIRVIRW PARK DRIVE
SUITE 1400
FALLS CHURCH, VA 22042

In re Application of	:	
SEKINE et al.	:	DECISION ON PETITION
Application No. 10/849,120	:	
Filed: May 20, 2004	:	
Attorney Docket No. ASAM.0123	:	

This is a decision on the petition under 37 C.F.R. § 1.102, filed June 27, 2005 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 the Manual of Patent Examining Procedure (M.P.E.P.), Section 708.02, Item VIII: Accelerated Examination.

The petition complies with M.P.E.P. § 708.02, Item VIII: Accelerated Examination, in that it is accompanied by (a) a check covering the required petition fee of $130.00, (b) a statement that all claims are directed to a single invention or an offer to make an oral election without traverse should the Patent and Trademark Office hold that the claims are not directed to a single invention, (c) a statement that a pre-examination search has been made by the inventor, attorney, agent, or professional searchers, etc., the field of search was also provided, (d) one copy of each of the references deemed most closely related to the subject matter encompassed by the claims, and (e) a detailed description of the submitted references and discussions pointing out how the claimed subject matter distinguishes over these references.

For the above stated reasons, the petition is GRANTED.

The application file is being forwarded to the examiner for expedited prosecution.

If the examiner can make this application special without prejudice to any possible interfering applications, and he/she should make a rigid search for such, he/she is authorized to do so for the next action. Should the application be rejected, the application will not be considered special for the subsequent action unless the applicant promptly makes a bona fide effort to place the

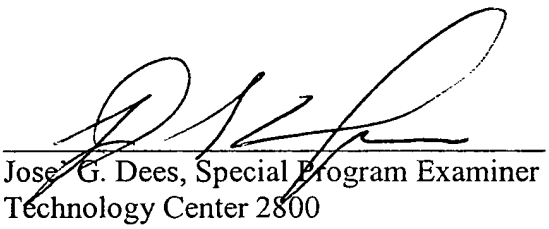
application in condition for allowance, even if it is necessary to have an interview with the examiner to accomplish this purpose.

If the examiner finds any interfering application for the same subject matter, he/she should consider such application simultaneously with this application and should state in the official letter of such application that he/she is taking it out of its turn because of possible interference.

Should an appeal be taken in this application or should this application becomes involved in an interference, consideration of the appeal and the interference will be expedited by all Patent and Trademark Office officials concerned, contingent likewise upon diligent prosecution by the applicant.

After allowance, this application will be given priority for printing. See M.P.E.P. § 1309.

The petition is granted to the extent indicated.



Jose G. Dees, Special Program Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

DATE 8/31/07

APPLICATION NUMBER 10/849,136

DOC CODE PET.DEC.POBS

DOC DATE 8/31/07

DELIVER THE ATTACHED FIFLE/DOCUMENT TO THE TC SCANNING CENTER

CONTRACTOR: THE ATTACHED FILE/DOCUMENT MUST BE INDEXED AND SCANNED INTO IFW WITHIN **8** WORK HOURS; UPLOADING OF THE SCANNED IMAGES SHOULD OCCUR NO LATER THAN **16** WORK HOURS FOLLOWING RECEIPT OF THIS REQUEST

. AFTER SCANNING, ORIGINAL DOCUMENTS SHOULD BE BOXED IN ACCORDANCE WITH INSTRUCTIONS

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

COPY MAILED

AUG 31 2007

OFFICE OF PETITIONS

SUGHRUE MION PLLC
2100 PENNSYLVANIA AVENUE NW
SUITE 800
WASHINGTON DC 20037

In re Application	:	
Chari, et al.	:	
Application No. 10/849,136	:	DECISION ON PATENT TERM
Filed: May 20, 2004	:	ADJUSTMENT
Attorney Docket No. A8576	:	

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705", filed June 12, 2007, requesting correction of the initial determination of patent term adjustment (PTA) from two hundred twenty-five (225) days to two hundred twenty-seven (227) days.

The application for patent term adjustment is **GRANTED**.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is **two hundred twenty-seven (227) days**. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On March 12, 2007, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above identified application. The Notice stated that the patent term adjustment (PTA) to date is two hundred twenty-five (225) days. On June 12, 2007, Applicants timely[1] submitted the instant application for patent term adjustment, asserting that the correct number of days of PTA at the time of the mailing of the Notice of Allowance is two hundred twenty-seven (227) days.

Applicants assert entitlement to a patent term adjustment of two hundred twenty-seven (227) days on the basis that the PTO improperly assessed Applicants a delay of two (2) days for filing an Information Disclosure Statement (IDS) on March 10, 2006, after Applicants had filed a response to a "Notice Under 37 CFR 1.251 - Pending Application" on March 8, 2006.

Applicants state that the patent issuing from the application is not subject to a terminal disclaimer.

The Office initially determined a patent term adjustment of wo hundred twenty-five (225) days based on an adjustment for PTO delay of two hundred fifty-seven (257) days pursuant to 35 U.S.C. 154(b)(1)(A)(i) and 37 C.F.R. § 1.703(a)(1), reduced by Applicants' delays of two (2) days pursuant to 35 U.S.C. 154(b)(2)(C)(i) and 37 C.F.R. § 1.704(c)(8) and thirty (30) days pursuant to 35 U.S.C. 154(b)(2)(C)(ii) and 37 C.F.R. § 1.704(b). The adjustment of 2 days is at issue.

The Office mailed a "Notice Under 37 CFR 1.251 - Pending Application" on February 9, 2006. Applicants filed a complete reply on March 8, 2006. Two days later, Applicants filed an IDS, and were assessed applicant delay of two (2) days. However, Applicants should not have been assessed any delay for this filing. It was not supplemental to the March 8, 2006 reply.

Accordingly, the correct determination of PTA at the time of mailing of the Notice of Allowance is **two hundred twenty-seven (227) days** (257 days of PTO delay and 30 days of applicant delay).

The $200 fee under § 1.18(e) has been charged to Deposit Account No. 19-4880, as authorized.

---

[1] Applicants filed the application for patent term adjustment together with the payment of the issue fee.

The matter is being forwarded to the Office of Patent Publication for processing into a patent.

Telephone inquiries specific to this matter should be directed to Cliff Congo, Petitions Attorney, at (571)272-3207.

Nancy Johnson
Senior Legal Advisor
Office of Petitions

Enc: updated PAIR screen (2 pages)

Day : Thursday
Date: 8/30/2007

PALM INTRANET

Time: 11:20:33

PTA Calculations for Application: 10/849136			
Application Filing Date:	05/20/2004	PTO Delay (PTO):	257
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	32
Post-Issue Petitions:	0	Total PTA (days):	227
PTO Delay Adjustment:	2		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
44	08/30/2007	ADJUSTMENT OF PTA CALCULATION BY PTO	2		
36	03/12/2007	MAIL NOTICE OF ALLOWANCE			
35	03/12/2007	MAIL FORMAL DRAWINGS REQUIRED			
34	03/05/2007	ISSUE REVISION COMPLETED			
33	03/05/2007	FORMAL DRAWINGS REQUIRED			
32	03/05/2007	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
31	03/05/2007	CASE DOCKETED TO EXAMINER IN GAU			
30	03/05/2007	NOTICE OF ALLOWABILITY			
29	01/31/2007	DATE FORWARDED TO EXAMINER			
28	01/19/2007	RESPONSE AFTER NON-FINAL ACTION		30	26
27	01/19/2007	REQUEST FOR EXTENSION OF TIME - GRANTED			
26	09/20/2006	MAIL NON-FINAL REJECTION			
25	09/18/2006	NON-FINAL REJECTION			
24	07/03/2006	AFFIDAVIT(S) (RULE 131 OR 132) OR EXHIBIT(S) RECEIVED			
23	07/05/2006	DATE FORWARDED TO EXAMINER			
22	07/03/2006	RESPONSE AFTER NON-FINAL ACTION			
21	04/03/2006	MAIL NON-FINAL REJECTION	257		-1
20	03/30/2006	NON-FINAL REJECTION			
19	03/10/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
18	03/10/2006	REFERENCE CAPTURE ON IDS			
17	03/10/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		2	16
16	03/08/2006	RESPONSE TO NOTICE OF LOST IMAGE			

15	02/09/2006	MAIL NOTICE OF LOST IMAGE DOCUMENT			
14	02/08/2006	NOTICE OF LOST IMAGE DOCUMENT			
13	09/27/2005	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
12	09/07/2004	CASE DOCKETED TO EXAMINER IN GAU			
9	05/20/2004	PRELIMINARY AMENDMENT			
8	08/04/2004	APPLICATION RETURN FROM OIPE			
7	08/04/2004	APPLICATION RETURN TO OIPE			
6	08/04/2004	APPLICATION DISPATCHED FROM OIPE			
5	08/04/2004	APPLICATION IS NOW COMPLETE			
4	06/23/2004	CLEARED BY OIPE CSR			
3	06/23/2004	CASE CLASSIFIED BY OIPE			
2	05/29/2004	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	05/20/2004	INITIAL EXAM TEAM NN			

Search Another: Application# Search

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

To go back use Back button on your browser toolbar.

Back to PALM | ASSIGNMENT | OASIS | Home page

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

Mail Date: 04/21/2010

Applicant	: Igor G. Kouznetsov	: DECISION ON REQUEST FOR
Patent Number	: 7615436	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/849,152	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/20/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **547** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

Mail Date: 05/18/2010

Applicant : Igor G. Kouznetsov
Patent Number : 7615436
Issue Date : 11/10/2009
Application No: 10/849,152
Filed : 05/20/2004

: 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 **649** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of patent term adjustment (PTA) days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days** from the mail date of this notice, whichever is longer, to file a request for reconsideration of this PTA calculation. See 35 U.S.C. § 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4).

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this PTA calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2), and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this PTA calculation, including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right of review of the USPTO's PTA determination in the United States District Court for the District of Columbia, patentee must ensure that the steps required under 35 U.S.C. § 154 (b)(4) are taken in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. § 154(b)(4).

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 3/26/07

Paper No.: ---

TO SPE OF : ART UNIT 2852

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/849157 Patent No.: 7103303 B2

Please respond to this request for a certificate of correction within 7 days.

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

Virginia Tolbert
Certificates of Correction Branch

703-308-9390 ext. 113

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

- ☑ **Approved** — All changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: _____

DAVID M. GRAY
SUPERVISORY PATENT EXAMINER

SPE

2852
Art Unit

00684.003637 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of:	)	
	:	Examiner: Quana Grainger
HIROYUKI SUZUKI, ET AL.	)	
	:	Group Art Unit: 2852
Appl. No.: 10/849,157	)	
	:	Confirmation No.: 6865
Filed: May 20, 2004	)	
	:	
For: CHARGING APPARATUS AND IMAGE FORMING APPARATUS	)	
	:	
	)	
U.S. Patent No.: 7,103,303 B2	:	
	)	
Issued: September 5, 2006	:	March 9, 2007

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR CERTIFICATE OF CORRECTION
UNDER RULES 322 AND 323

Sir:

It is respectfully requested that a Certificate of Correction be issued by the Patent and Trademark Office due to errors which appear in the printed patent as a result of Patent and Trademark Office mistakes, and mistakes of a clerical, typographical, or minor character, which were not the fault of the Patent and Trademark Office. A Certificate of Correction form, in duplicate, is enclosed.

The $100.00 fee for the Certificate of Correction is being paid electronically. The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1205.

Patentees' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

/William M. Wannisky/

William M. Wannisky
Attorney for Patentees
Registration No. 28,373

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3800
Facsimile: (212) 218-2200

WMW:eyw

Staple Here Only!

PRINTER'S TRIM LINE

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO. : 7,103,303 B2

DATED : September 5, 2006

INVENTOR(S) : HIROYUKI SUZUKI, 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, AT ITEM (57), Abstract:
Line 7, "particle" should read --particles--.

COLUMN 3:
Line 47, "photonlic" should read --photonic--.
Line 61, "siubstantially" should read --substantially--.

COLUMN 8:
Line 45, "nonuniformly" should read --nonuniformity--.
Line 60, "photonic are" should read --photonic carriers are--.

COLUMN 9:
Line 10, "an" should read --a--.

COLUMN 10:
Line 35, "utilizes" should read --utilize--.

COLUMN 11:
Line 21, "ether," should read --other,--.

COLUMN 13:
Line 54, "in" should be deleted.

COLUMN 14:
Line 36, "mount" should read --amount--.

COLUMN 15:
Line 30, "reduce" should read --to reduce--.

MAILING ADDRESS OF SENDER:
FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3800
(212) 218-2100 - Telephone
(212) 218-2200 - Facsimile

PATENT NO. 7,103,303 B2

No. of add'l. copies @ 30¢ per page

Staple Here Only!

PRINTER'S TRIM LINE

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO. : 7,103,303 B2

DATED : September 5, 2006

INVENTOR(S) : HIROYUKI SUZUKI, ET AL.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

COLUMN 16:
Line 18, "fist" should read --first--.
Line 22, "improved" should read --improve--.

COLUMN 18:
Line 19, "measure," should read --measured,--.
Line 23, "copes" should read --copies--.
Line 43, "flows the" should read --flows through the--.

COLUMN 20:
Line 7, "particle" should read --particles--.
Line 22, "limited" should read --limit--.
Line 37, "manner" should read --matter--.
Line 39, "Although in" should read --In--.

MAILING ADDRESS OF SENDER:
FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3800
(212) 218-2100 - Telephone
(212) 218-2200 - Facsimile

PATENT NO. 7,103,303 B2

No. of add'l. copies
@ 30¢ per page

Staple Here Only!

PRINTER'S TRIM LINE

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO. : 7,103,303 B2

DATED : September 5, 2006

INVENTOR(S) : HIROYUKI SUZUKI, ET AL.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

COLUMN 22:
Line 30, "and the" should read --and in the--.
Line 32, "member" should read --members--.
Line 46, "particle" should read --particles--.
Line 58, "member; and" should read --members;--.

MAILING ADDRESS OF SENDER:
FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3800
(212) 218-2100 - Telephone
(212) 218-2200 - Facsimile

PATENT NO. 7,103,303 B2

No. of add'l. copies @ 30¢ per page

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

MATTINGLY, STANGER, MALUR &
BRUNDIDGE, P.C.
1800 Diagonal Road
Suite 370
Alexandria, VA 22314

MAIL

SEP 2 8 2005

DIRECTOR OFFICE
TECHNOLOGY CENTER 2100

In re Application of:
IDEI et al.
Application No. 10/849,184
Filed: May 20, 2004
For: PRE-FETCH COMPUTER SYSTEM

DECISION ON PETITION
TO MAKE SPECIAL

This is a decision on the petitions, filed on September 16, 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.

Applicant's submission of September 16, 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

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

MAIL

JAN 26 2005

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

JAGTIANI + GUTTAG
10363-A DEMOCRACY LANE
FAIRFAX, VA 22030

In re Application of
Guttag, et al.
Application No. 10/849,195
Filed: May 20, 2004
For: DIGITAL BACKPLANE

DECISION ON PETITION
TO MAKE SPECIAL

This is a decision on the petition under 37 C.F.R. §1.102 to make special filed May 20, 2004 which is considered as pursuant to MPEP §708.02 (IV), applicant's age.

A petition to make special under MPEP §708.02, IV, must show that petitioner is 65 years of age, or more. Acceptable evidence includes a birth certificate, copy of a driver's license, or simply a statement by the applicant. No fee is required.

The petition includes a statement by Alvin Guttag that he over 65 years of age.

Accordingly, the petition is **GRANTED**.

The application will retain its special status throughout its entire prosecution, including any appeal to the Board of Patent Appeals and Interferences, subject only to diligent prosecution by the applicant.

The application is being forwarded to the examiner for expedited prosecution.

Kenneth A. Wieder
Special Program Examiner
Technology Center 2600
Communications
(571) 272-2986

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20071018

DATE : October 18, 2007

TO SPE OF : ART UNIT 2627

SUBJECT : Request for Certificate of Correction on Patent No.: 7,230,894

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:

It is evident from the parent Patent application and the ribboned copy of the foreign priority document associated with that file, that the priority information should read as stated in the request for certificate of correction. It is noted that applicant initiated the error.

SPE: Dwayne D. Bost **Art Unit** 2627

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: X

DATE : **September 24,2007**

TO SPE OF : ART UNIT **2627**

SUBJECT : Request for Certificate of Correction for Appl. No.: **10/849,203** Patent No.: **7230894 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: _____

WAYNE YOUNG
SUPERVISORY PATENT EXAMINER

SPE

2627
Art Unit

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO: 7,230,894

DATED: June 12, 2007

INVENTOR(S): Jae-Seong SHIM

Title Page, Item (30) Foreign Priority Data
change "Dec. 31, 1998" to --Dec. 31, 1997--
and
change "98-80595" to --1997-80595--.

MAILING ADDRESS OF SENDER:
STEIN, MCEWEN & BUI, LLP
1400 Eye Street, NW
Suite 300
Washington, DC 20005

PATENT NO. 7,230,894

No. of add'l copies
@ 50¢ per page

Ψ

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAIL

SEP 15 2005

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.
1800 DIAGONAL ROAD
SUITE 370
ALEXANDRIA VA 22314

In re Application of
SUZUKI, HIROSHI, et al.
Application No. 10/849,205
Filed: May 20, 2004
For: **STORAGE DEVICE**

DECISION ON PETITION
TO MAKE SPECIAL

This is a decision on the petition filed August 10, 2005 under Manual of Patent Examination Procedure §708.02, VIII requesting accelerated examination.

The petition under Manual of Patent Examination Procedure §708.02, VIII, must:

(1) be filed prior to receiving any examination by the examiner,
(2) be accompanied by the required fee- $130,
(3) the claims should be directed to a single invention (if it is determined that the claims pertain to more than one invention, then applicant will have to make an election without traverse or forfeit accelerated examination status),
(4) state that a pre-examination search was made, and fully discuss the search method employed, such as classes and subclasses searched, publications, Chemical abstracts, patents, etc. A search made by a foreign patent office satisfies this requirement,
(5) be accompanied by a copy of each of the references most closely related to the subject matter encompassed by the claims if said references are not already of record,
(6) fully discuss the references, pointing out with the particularity required by 37 C.F.R. §1.111 (b) and (c), how the claimed subject matter is patentable over the references.

The petitioner meets all the above-listed requirements. Accordingly, the petition is **GRANTED**.

The application will retain its special status throughout its entire prosecution, including any appeal to the Board of Patent Appeals and Interferences, subject only to diligent prosecution by the applicant. The application file is being forwarded to the examiner for appropriate action in due course.

Kenneth A. Wieder
Special Program Examiner
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON, VA 22209-9889

COPY MAILED

JAN 19 2005

OFFICE OF PETITIONS

In re Application of :
Nagae, et al :
Application No. 10/849,222 : ON PETITION
Filed: May 20, 2004 :
Attorney Docket No. 500.43869X00 :

This is a decision on the petition filed November 17, 2004, requesting that the above-identified application be accorded a filing date of May 20, 2004, with all the required Figures as described in the specification.

The application was filed on May 20, 2004. However, on July 19, 2004, the Office of Initial Patent Application mailed a "Notice To File Missing Parts of Nonprovisional Application" (Notice) that stated the application had been accorded a filing date, but Figure 3 as described in the specification appears to have been omitted.

In response, on November 17, 2004, the instant petition was submitted. Petitioner asserts Figure 3 is actually Figure 2B and was misidentified in the specification.

Applicant states: "Applicants are also submitting that the above-referenced application was filed in the United States Patent and Trademark Office on May 20, 2004 with Figs. 2A, 2B, 3A and 3B and the present application is complete with Figs. 2A, 2B, 3A and 3B.

However, page 5 of the specification identified Figs. 2, 3, 3A and 3B which does not correspond to the application as filed and as such was incorrect. Figs. 2 and 3 were incorrectly identified and should have been identified as Figs. 2A and 2B. A Preliminary Amendment to effect this change is being filed on even date. Therefore, the present application as filed was not missing Fig. 3. Accordingly, the present application was complete as filed."

Petitioner has submitted a Preliminary Amendment that corrects the specification to properly identify Figures 2A and 2B.

In view of the above, it appears that the drawing of Figure 3 (actual Figure 2B) was filed on May 20, 2004, but misidentified in the specification by applicants. Since it is now clear that all of the required Figures were filed on May 20, 2004, albeit with Figure 2B misidentified as Figure 3 in the specification, all the required Figures may be considered as filed with the application on May 20, 2004.

The petition is granted.

Please note, the $130.00 petition fee is required, since a petition was necessary to correct applicants' filing error, and not necessitated by any error on the part of the Office.

This application will be returned to OIPE for further processing with a filing date of May 20, 2004, using the application as filed on May 20, 2004, in addition to the Preliminary Amendment, filed November 17, 2004, that correctly identifies the required Figures.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

COPY MAILED

MAY 0 4 2007

OFFICE OF PETITIONS

In re Application of	:	
Komori, Hirofumi	:	
Application No. 10/849,238	:	ON PETITION
Filed: May 20, 2004	:	
Attorney Docket No. 1259-0250PUS1	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed April 19, 2007, to revive the above-identified application.

The petition is **GRANTED.**

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of the Issue Fee Transmittal with payment of the issue and publication fees; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the response has been accepted as having been unintentionally delayed.

This matter is being referred to the Publishing Division for processing into a patent.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3206.

Liana Walsh
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: X

DATE : June 30, 2008

TO SPE OF : ART UNIT 1797

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/849239 Patent No.: 7335339 B2

A response is requested with respect to a request for a certificate of correction.

With respect to the change(s) requested to correct Office and/or Applicant's errors, should the patent read as shown in the certificate of correction attached herewith or the COCIN document(s), in IFW images for the above-identified patented application? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

If the response is for an IFW, within **7** days, please complete and forward the response, to the employee (named below) via scanning into application images, using document code **COCX**.

DO NOT SENT TO ATTORNEY

If the response is for a paper file wrapper, please complete the response and forward the response with the paper file wrapper, to the employee (named below), within **7** days, to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

You can fax the Directors/SPE response to 571-270-9990

LAMONTE NEWSOME
Certificates of Correction Branch
703-308-9390 ext. 112

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

X Approved	**All** changes apply.
☐ **Approved in Part**	Specify below which changes **do not** apply.
☐ **Denied**	State the reasons for denial below.

Comments: _____

/Glenn Caldarola/ SPE AU1797

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

SPE	Art Unit
1797	

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: X

DATE : June 30, 2008

TO SPE OF : ART UNIT 1797

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/849239 Patent No.: 7335339 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

[redacted]

LAMONTE NEWSOME
Certificates of Correction Branch
703-308-9390 ext. 112

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

X Approved	**All** changes apply.
☐ **Approved in Part**	Specify below which changes **do not** apply.
☐ **Denied**	State the reasons for denial below.

Comments: _____

_____

_____

_____

_____

/Glenn Caldarola/ SPE AU1797

PAGE 2/3 * RCVD AT 8/12/2008 2:58:29 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/0 * DNIS:2709990 * CSID:USPTO * DURATION (mm-ss):00-00

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

SPE	Art Unit
1797	

PAGE 3/3 * RCVD AT 8/12/2008 2:58:29 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/0 * DNIS:2709990 * CSID:USPTO * DURATION (mm-ss):00-00

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: X

DATE : MAY 22, 2007

TO SPE OF : ART UNIT 2816

SUBJECT : Request for Certificate of Correction for Appl. No.: 10849266 Patent No.: 7138839B2

A response is requested with respect to a request for a certificate of correction.

With respect to the change(s) requested to correct Office and/or Applicant's errors, should the patent read as shown in the certificate of correction attached herewith or the COCIN document(s), in IFW images for the above-identified patented application? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

If the response is for an IFW, within 7 days, please complete and forward the response, to the employee (named below) via scanning into application images, using document code **COCX**.

DO NOT SENT TO ATTORNEY

If the response is for a paper file wrapper, please complete the response and forward the response with the paper file wrapper, to the employee (named below), within 7 days, to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

VIRGINIA TOLBERT
Certificates of Correction Branch
703-308-9390 ext. 113

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☑ **Approved**	**All** changes apply.
☐ **Approved in Part**	Specify below which changes **do not** apply.
☐ **Denied**	State the reasons for denial below.

Comments: _____

_____

_____

_____

_____

_____ 2816

SPE **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CYR & Associates, P.A.
605 U.S. Highway 169
Suite 300
Plymouth, MN 55441

COPY MAILED

SEP 0 3 2008

OFFICE OF PETITIONS

In re Application of :
John E. Colby, Jr. :
Application No. 10/849,269 : DECISION ON PETITION
Filed: May 19, 2004 : TO WITHDRAW
Attorney Docket No. 01726.0002-US-U1 : 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 June 18, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by David H. Carroll on behalf on attorneys/agents of record. All attorneys/agents have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address has been changed and is copied below.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Modular Computing & Communications Corp.
2141 Kenwood Drive East
Maplewood, MN 55117

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
10/849,269	05/19/2004	John E. Colby JR.	01726.0002-US-U1

CONFIRMATION NO. 6621

POWER OF ATTORNEY NOTICE

44163
CYR & ASSOCIATES, P.A.
605 U.S. Highway 169
Suite 300
Plymouth, MN 55441

OC000000031875966

Date Mailed: 09/03/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/18/2008.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/adhopkins/

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

SNELL & WILMER LLP (OC)
600 ANTON BOULEVARD
SUITE 1400
COSTA MESA CA 92626

COPY MAILED

MAR 0 9 2007

OFFICE OF PETITIONS

In re Application of	:	
Pitts et al.	:	
Application No. 10/849,278	:	ON PETITION
Filed: May 18, 2004	:	
Attorney Docket No. 50576-0800	:	

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) 272-3282.

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CROCKETT AND CROCKETT
24012 CALLE DE LA PLATA STE 400
LAGUNA HILLS, CA 92653

COPY MAILED

MAR 0 9 2007

OFFICE OF PETITIONS

In re Application of	:	
Pitts et al.	:	DECISION ON PETITION
Application No. 10/849,278	:	TO WITHDRAW
Filed: May 18, 2004	:	FROM RECORD
Attorney Docket No. 50576-0800	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 11, 2006.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to the attorneys/agents associated with Customer Number 23371 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 continue to be directed to the below-listed address until otherwise notified by applicants.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-3206.

Liana Walsh
Petitions Examiner
Office of Petitions

cc:

SNELL & WILMER LLP (OC)
600 ANTON BOULEVARD
SUITE 1400
COSTA MESA CA 92626

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

GARDERE / JHTL
GARDERE WYNNE SEWELL, LLP
1601 ELM STREET
SUITE 3000
DALLAS, TX 75201

Mail Date: 04/21/2010

Applicant	: Michael Putti Benjamin	: DECISION ON REQUEST FOR
Patent Number	: 7600356	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/849,279	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/19/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **645** 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

COPY MAILED

APR 20 2005

OFFICE OF PETITIONS

SENNIGER POWERS LEAVITT AND ROEDEL
ONE METROPOLITAN SQUARE
16TH FLOOR
ST LOUIS MO 63102

Applicant: Devenney et al.
Appl. No.: 10/849,291
Filing Date: May 19, 2004
Title: PLATINUM-INDIUM-IRON/TUNGSTEN/MANGANESE FUEL CELL ELECTROCATALYST
Attorney Docket No.: (H103-1188-US02)(2002-094R) SMX 2017.2
Pub. No.: US 2005/0037920 A1
Pub. Date: February 17, 2005

This is in response to the "Request for Corrected Publication under 37 CFR 1.221(b)," which was received on March 1, 2005.

The request is DISMISSED.

The instant request is that the patent application publication be republished because the assignee information on the front page of the publication was published incorrectly as it improperly included "MEMC Electronic Materials, Inc.," as an assignee.

37 CFR 1.221(b) is applicable "only when the Office makes a material mistake which is apparent from Office records . . . Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.[1]

The instant request does not identify a material mistake in the publication made by the Office. While the inclusion of "MEMC Electronic Materials, Inc.," as an assignee was an Office mistake, it is not a material mistake as required by 37 CFR 1.221(b). The error 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

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239 Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

applicant may seek to enforce upon issuance of a patent.

On July 17, 2004, a Filing Receipt was mailed, which properly listed the assignment information as Symyx Technologies and Honda Giken Kogoyo Kabushiki Kaisha. On November 10, 2004, a second Filing Receipt was mailed, which added MEMC Electonic Materials, Inc. in response to applicants letter dated October 19, 2004, which stated that an assignment for "MEMC Electronic Materials, Inc." was being faxed to the Office. To avoid this type of problem in the future, applicant's representative should make a request for a corrected filing receipt using the facsimile number (703-746-9195) on the Filing Receipt.

It has been noted that the declaration submitted by applicant is improper, as it is not properly signed by all of the inventors, as Applicant submitted parts of at least two declarations, but not complete copies. While each inventor need not execute the same oath or declaration, each oath or declaration executed by an inventor must contain a complete listing of all inventors so as to clearly indicate what each inventor believes to the appropriate inventive entity. Applicant must submit compete copies of each declaration signed by the applicants. See MPEP 201.03.

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 should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By facsimile: 703-872-9306

The application will be examined in due course.

Inquires concerning this communication should be directed to Mark Polutta at (571) 272-7709.

Mark O. Polutta
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MARK G. BOCCHETTI
PATENT LEGAL STAFF
EASTMAN KODAK COMPANY
343 STATE STREET
ROCHESTER NY 14650-2201

COPY MAILED

SEP 2 9 2004

OFFICE OF PETITIONS

In re Application of :
Daniel D. Haas et al. :
Application No. 10/849,302 : DECISION GRANTING PETITION
Filed: September 3, 2004 :
Attorney Docket No.: 88327RRS :

This is a decision on the petition filed under 37 CFR 1.182 on September 3, 2004, requesting that the above-identified application, be accorded a filing date of September 3, 2004, the date of submission in response to a Notice of Omitted Items.

On May 19, 2004, the application was filed.

On July 19, 2004, the Office of Initial Patent Examination mailed a "Notice of Omitted Items" stating the application had been accorded a filing date, however, Figures 11a-11d (as described in the specification) appeared to have been omitted. In response, on September 3, 2004, petitioner filed, *inter alia*, a complete set of drawings, Figures 1-17 (including Figures 11a-11d).

The mailing of a "Notice of Omitted Items" permits the applicant to either: (1) promptly establish prior receipt in the PTO of the drawing(s) at issue (generally by way of a date-stamped postcard receipt (MPEP 503)), or (2) promptly submit the omitted drawing(s) in a nonprovisional application and accept the date of such submission as the application filing date. An applicant asserting that the missing drawings were in fact deposited in the PTO with the application papers must file a petition (and the appropriate petition fee) with evidence of such deposit. An applicant desiring to submit the omitted drawings in a nonprovisional application and accept the date of such submission as the application filing date must file any omitted drawing(s) with an oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such drawing(s) and a petition under 37 CFR 1.182 (with the petition fee under 37 CFR 1.17(h)) requesting the later filing date within two months of the date of the "Notice of Omitted Items" (37 CFR 1.181(f)).

As petitioner supplied the omitted drawings without establishing prior receipt thereof in the USPTO, the application was properly accorded a filing date of the date the omitted drawings were filed. Nevertheless, as a complete application was present on September 3, 2004, with the instant petition, the application as filed is entitled to a filing date of September 3, 2004.

The application will be reprocessed using the application papers present on filing and the drawings submitted on petition.

As the petition was not necessitated by any errors on the part of the USPTO, a petition fee in the amount of $130.00 will be charged to deposit account no. 05-0225.

The application is being returned to the Office of Initial Patent Examination for reprocessing with a filing date of September 3, 2004 using the application papers filed on May 19, 2004 and the papers filed September 3, 2004.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 01/19/10

TO SPE OF : ART UNIT 1792

SUBJECT : Request for Certificate of Correction for Appl. No.: 10849327 Patent No.: 7629026

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (C of C)
Randolph Square 9D40-D
Palm Location 7580

You can fax the Directors/SPE response to 571-270-9990

Lamonte Newsome
Certificates of Correction Branch
703-756-1574

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

X Approved	**All** changes apply.
☐ **Approved in Part**	Specify below which changes **do not** apply.
☐ **Denied**	State the reasons for denial below.

Comments: Approved

/Michael Barr/ 1792

SPE **Art Unit**

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 01/19/10

TO SPE OF : ART UNIT 1792

SUBJECT : Request for Certificate of Correction for Appl. No.: 10849327 Patent No.: 7629026

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (C of C)
Randolph Square 9D40-D
Palm Location 7580
You can fax the Directors/SPE response to 571-270-9990

Lamonte Newsome
Certificates of Correction Branch
703-756-1574

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☒ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: Approved

MICHAEL BARR
SUPERVISORY PATENT EXAMINER

1792

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

SPE Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

STEFAN V. CHMIELEWSKI
DELPHI TECHNOLOGIES, INC.
LEGAL STAFF MAIL CODE: CT10C
P.O. BOX 9005
KOKOMO, IN 46904-9005

COPY MAILED

JAN 23 2008

OFFICE OF PETITIONS

In re Application of :
Korkut Yegin, et al :
Application No. 10/849,330 : ON PETITION
Filed: May 19, 2004 :
Attorney Docket No. DP-310357 :

This is a decision in response to the petition, filed September 10, 2007, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. However, in accordance with 37 CFR 1.34(a), the signature of J. Gordon Lewis appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts. A courtesy copy of this decision is being mailed to petitioner. However, if Mr. Lewis desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. All future correspondence regarding this application file will be directed solely to the address of record.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed February 13, 2007, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on May 14, 2007. On September 10, 2007, the present petition was filed. A Notice of Abandonment was subsequently mailed on October 10, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of amendment; (2) the petition fee of $1,500; and (3) an adequate statement of unintentional delay.

The application is being referred to Technology Center AU 2821 for consideration of the amendment filed September 10, 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

cc: J. GORDON LEWIS
DELPHI TECHNOLOGIES, INC.
M/C 480-410-202
PO BOX 5052
TROY, MI 48007

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

TUE NGUYEN
496 OLIVE AVENUE
FREMONT, CA 94539

COPY MAILED

AUG 2 9 2005

OFFICE OF PETITIONS

In re Application of	:	
Garofani et al.	:	
Application No. 10/849,333	:	ON PETITION
Filed: May 18, 2004	:	
Attorney Docket No. KN001	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed July 22, 2005, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice) mailed July 20, 2004. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on September 21, 2004. A Notice of Abandonment was mailed on April 14, 2005.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:
(1) the required reply,[1]
(2) the petition fee,
(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, and
(4) a terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information.[2]

---

[1] In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

The instant petition lacks item (1). Petitioner has failed to include a proper response to the Notice. A copy of said Notice is being enclosed for petitioner's convenience.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Window located at:

U.S. Patent and Trademark Office
Customer Service Window Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-3206.

Liana Chase
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Enclosure: Notice to File Corrected Application Papers

[2] See MPEP 711.03(c)(III)(C) and (D).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

TUE NGUYEN
496 OLIVE AVENUE
FREMONT CA 94539

COPY MAILED

SEP 2 1 2005

OFFICE OF PETITIONS

In re Application of	:	
Garofani et al.	:	
Application No. 10/849,333	:	ON PETITION
Filed: May 18, 2004	:	
Attorney Docket No. KN001	:	

This is a decision on the renewed petition under 37 C.F.R. § 1.137(b), filed September 6, 2005, to revive the above-identified application.

The petition is **GRANTED.**

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b).

This matter is being referred to the Office of Initial Patent Examination for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3282.

Liana Chase
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

TUE NGUYEN
496 OLIVE AVENUE
FREMONT CA 94539

COPY MAILED

FEB 08 2008

OFFICE OF PETITIONS

In re Application of	:	
Garofani et al.	:	
Application No. 10/849,333	:	DECISION ON PETITION
Filed: may 18, 2004	:	
Attorney Docket No. KN001	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 26, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and an Amendment, (2) the petition fee, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to Technology Center 3643 for processing of the Request for Continued Examination under 37 CFR 1.114 filed with the instant petition.

Liana Walsh
Petitions Examiner
Office of Petitions