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

Mail Date: 04/21/2010

Applicant	: Thomas Mack	: DECISION ON REQUEST FOR
Patent Number	: 7651515	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/869,299	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/16/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1311** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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Paper No. 081104

ALVIN S. BLUM
2350 DELMAR PLACE
FORT LAUDERDALE, FL 33301

SEP 7 2004

In re Application of:
FRIELING *et al.*
Serial No.: 10/869,300
Filed: June 16, 2004
Attorney Docket No.: **F50422**

DECISION ON PETITION
TO MAKE SPECIAL

This is a decision on the petition under 37 C.F.R. § 1.102(c), filed June 16, 2004, to make the above-identified application special.

Petitioner requests that the above-identified application be made special under the accelerated examination procedure set forth in the Manual of Patent Examining Procedure (M.P.E.P.) § 708.02, Section IV: Applicant's Age.

A grantable petition to make special under 37 C.F.R. § 1.102, and in accordance with M.P.E.P. § 708.02, Section IV, must include evidence showing that the applicant is sixty five (65) years of age or more. No fee is required for this petition.

The petition includes a declaration from one of the co-inventors, Edward Frieling, stating that the he is sixty-five (65) years of age or more.

Accordingly, the petition is GRANTED.

After allowance, this application will be given priority for printing. See M.P.E.P. § 1309.

Inquiries regarding this decision should be directed to Jose G. Dees at (571) 272-1569.

Jose G. Dees, Special Programs Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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FRIEDRICH KUEFFNER
SUITE 910
317 MADISON AVENUE
NEW YORK NY 10017

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SEP 30 2009

OFFICE OF PETITIONS

In re Application of :
Manfred Kürfurst et al. :
Application No. 10/869,313 : ON PETITION
Filed: June 16, 2004 :
Attorney Docket No: **RW-165** :

This is a decision on the petition to withdraw the holding of abandonment, filed September 8, 2009 which is being treated under 37 CFR 1.181.

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. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181," or, as explained in more detail below, "...under 37 CFR 1.137(a)" or (b). This is not a final agency decision.

A Final Office Action mailed June 25, 2008 required the filing of a response within three months (September 25, 2008) or, with up to a three month extension of time, a response could have been filed not later than December 25, 2008. A response filed November 3, 2008 (certificate of mail date October 27, 2008 as October 25, 2008 was a Saturday), filed with a one month extension of time, did not place the application in condition for allowance. Petitioner was notified of such by way of Advisory Action mailed January 6, 2009. Therefore, no proper response having been timely filed, the application became abandoned October 28, 2008. Accordingly, a Notice of Abandonment was mailed August 18, 2009.

Petitioner asserts that all information was submitted in a timely fashion on November 3, 2008 and as proof submits a copy of the date-stamped post office receipt.

Petitioner is advised that the issue is not whether or not a response was filed November 3, 2008 as that response is of record. Rather, the application is abandoned because while a response to the Final Office Action of June 25, 2008 was filed, it was not a proper reply.

In view of the above, and since the arguments presented do not substantiate a finding that a proper and timely response was filed to the June 25, 2008 Final Office Action, the holding of abandonment will not be withdrawn and the notice of abandonment will not be vacated.

Petitioner may wish to file a petition to revive under 37 CFR 1.137(a) or (b). Section 1.137(b) now provides that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

> (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof;
>
> (2) the petition fee as set forth in 37 CFR 1.17(m);
>
> (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may required additional information where there is a question whether the delay was unintentional; and
>
> (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

The filing of a petition under the unintentional standard cannot be intentionally delayed and therefore should be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

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

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

By FAX: (571) 273-8300

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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FRIEDRICH KUEFFNER
SUITE 910
317 MADISON AVENUE
NEW YORK NY 10017

MAILED

JUN 07 2010

OFFICE OF PETITIONS

In re Application of
Manfred Kürfurst et al.
Application No. 10/869,313
Filed: June 16, 2004
Attorney Docket No: **RW-165**

ON PETITION

This is a decision on the petition, filed December 29, 2009 under 37 CFR 1.137(b)[1], to revive the above-identified application.

The petition is **DISMISSED**.

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

A Final Office Action mailed June 25, 2008 required the filing of a response within three months (September 25, 2008) or, with up to a three month extension of time, a response could have been filed not later than December 25, 2008. A response filed November 3, 2008 (certificate of mail date October 27, 2008 as October 25, 2008 was a Saturday), filed with a one month extension of time, did not place the application in condition for allowance. Petitioner was notified of such by way of Advisory Action mailed January 6, 2009. Therefore, no proper response having been timely filed, the application became abandoned October 28, 2008. Accordingly, a Notice of Abandonment was mailed August 18, 2009.

The instant petition filed with a request to enter the amendment filed September 30,

---

[1]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 be met by the filing of a continuing application in a nonprovisional application abandoned for failure to prosecute, but must be the payment of the issue fee or any outstanding balance thereof in an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof;

(2) the petition fee required by 37 CFR 1.17(l);

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

(4) a terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) in a design application, a utility application filed before June 8, 1995, or a plant application filed before June 8, 1995.

2009 has been considered however, the response does not satisfy requirement (1) above.

The application became abandoned for failure to file a response within the meaning of 37 CFR 1.113 to the final rejection of June 25, 2008, within the time period for response. The only proper reply to a final Office action is an amendment placing the application in *prima facie* condition for allowance, a Notice of Appeal accompanied by the requisite fee, a Request for Continued Examination (RCE) accompanied by a proper submission, or a continuing application. Since the amendment submitted September 30, 2009 has been referred to the examiner, who has indicated that the amendment does not prima facie place the application in condition for allowance, the response required for a renewed petition must be a Notice of Appeal and requisite fee, or the filing of a continuing application under the terms set forth in 1031 O.G. 11.

Petitioner must submit a proper reply to the final Office action mailed on June 25, 2008, with any renewed petition. **Petitioner should note that submission of any renewed petition without the required reply will be construed as intentional delay.**

A courtesy copy of an Advisory Action is included.

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

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

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

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/869,313	06/16/2004	Manfred Kurfurst	RW-165	5648

7590 06/07/2010

Friedrich Kueffner
Suite 910
317 Madison Avenue
New York, NY 10017

EXAMINER	
FERNANDEZ, SUSAN EMILY	
ART UNIT	PAPER NUMBER
1651	

MAIL DATE	DELIVERY MODE
06/07/2010	PAPER

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

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

Advisory Action Before the Filing of an Appeal Brief	**Application No.** 10/869,313	**Applicant(s)** KURFURST ET AL.	
	Examiner SUSAN E. FERNANDEZ	**Art Unit** 1651	

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

THE REPLY FILED 08 September 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☒ The period for reply expires *4* 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): 112, 1st paragraph, 112, 2nd paragraph, 102 rejections.
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: *3 and 16*.
   Claim(s) withdrawn from consideration: *9-15*.

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: _____.

ATTACHMENT TO ADVISORY ACTION

The response filed September 8, 2009, has been received and entered. The text of those sections of Title 35, U.S. Code, not included in this action can be found in a prior office action. Note that the claims and arguments are identical to those filed in the after-final amendment of November 3, 2008.

Applicant's arguments filed September 8, 2009, have been fully considered but they are not persuasive. The applicant asserts that Wolters et al. gives no indication of when the two components should be mixed to form the product. However, selection of any order of performing process steps is prima facie obvious in the absence of new or unexpected results (MPEP 2144.04., Section IV, Part C.). Though Wolters et al. comprises additional components, the instant claims do not prohibit the presence of additional components. Therefore, the claims must remain rejected over the prior art.

No claims are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SUSAN E. FERNANDEZ whose telephone number is (571)272-3444. The examiner can normally be reached on Mon-Fri 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Wityshyn can be reached on (571) 272-0926. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Susan E. Fernandez
Examiner
Art Unit 1651

sef

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SQUARE D COMPANY
INTELLECTUAL PROPERTY DEPARTMENT
1415 SOUTH ROSELLE ROAD
PALATINE IL 60067

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MAR 3 0 2005

OFFICE OF PETITIONS

In re Application of	:	
Jackie Laverne Winn	:	DECISION ON PETITION
Application No. 10/869,317	:	
Filed: 15 June, 2004	:	
Atty Docket: SQRD.004PA	:	

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

The petition is **GRANTED**.

The above-identified application became abandoned on 3 March, 2005, for failure to timely reply to the Notice to File Missing Parts of Nonprovisional Application mailed on 2 August, 2004, which set a two (2) month shortened period for reply. The filing of the present petition precedes the mailing of Notice of Abandonment.

Petitioner has now submitted an executed oath or declaration as well as the statutory basic filing fee, additional claim fee(s), and late filing fee or oath or declaration surcharge as required by the Notice mailed on 3 March, 2005.

A statement that reads or literally means the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional is required by 37 CFR 1.137(b)(3). The instant petition does not contain such a statement, but is being so construed. Petitioners **must** notify this office if this is not a correct interpretation.

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

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

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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

Mail Date: 04/28/2010

Applicant	: Ad Emmerzaal	: DECISION ON REQUEST FOR
Patent Number	: 7665623	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 10/869,318	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/16/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **16** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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KED & ASSOCIATES, LLP
P.O. BOX 221200
CHANTILLY VA 20153-1200

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JAN 14 2009

OFFICE OF PETITIONS

In re Application of
Kyu Yong Bang, et al.
Application No. 10/869,326
Filed: June 16, 2004
Attorney Docket No. SIP-0003

ON PETITION

This is a decision in response to the petition, filed September 5, 2008, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the final Office action mailed July 17, 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 October 18, 2007. A Notice of Abandonment was mailed on February 12, 2008. On September 5, 2008, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of amendment; (2) the petition fee of $1,540; and (3) an adequate statement of unintentional delay[1].

The application is being referred to Technology Center AU 3651 for appropriate action by the Examiner in the normal course of business on the amendment received September 5, 2008.

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1] 37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. While it is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/869,332	06/16/2004	Loretta J. Crowley	CRL-101US	6536

20738 7590 03/03/2008

THOMAS P O'CONNELL
1026A MASSACHUSETTS AVENUE
ARLINGTON, MA 02476

EXAMINER	
LEFF, STEVEN N	
ART UNIT	**PAPER NUMBER**
1794	

MAIL DATE	DELIVERY MODE
03/03/2008	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
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caf

Mailed: 3-3-08

In re Application of
Loretta J. Crowley
Serial No. 10/869,332
Filed: June 16, 2004
For: INSULATIVE, PLIABLE FROZEN TREAT RECEPTACLE UTENSIL AND CONSUMPTION METHOD

DECISION ON PETITION

This is a decision on the PETITION TO THE DIRECTOR UNDER § 1.181 REGARDING RESTRICTION REQUIREMENT filed November 23, 2007.

On May 15, 2007, a two way restriction requirement was made by the examiner. The examiner took the position that the groupings of claims were related as a product and a process of use. Applicants traversed the restriction requirement in a response filed June 13, 2007. The examiner repeated the restriction requirement in an office action mailed August 22, 2007 and made the restriction requirement final. Applicants continued to argue the restriction requirement in a response filed November 23, 2007.

On November 23, 2007, the instant petition under § 1.181 was filed to formally request the withdrawal of the restriction requirement.

Applicant's position for the withdrawal of the restriction requirement is that an additional search of the non-elected claims would not be unduly burdensome because the product and process should be classified together.

DECISION

Section 803 of the MPEP states:

803 Restriction - When Proper

If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

In making the restriction final, the examiner states that searches for each invention may overlap but are not coextensive. Additionally, in the original requirement, the examiner has pointed out that each group is classified in different class and subclasses. The position of the examiner is reasonable. While a search of the two groups of claims would be overlapping, additional

searching would be required for the non-elected group. Such a search would be a serious burden on the examiner.

In response to Applicant's position that the product and process should be classified together based on examples of U.S. Patents which are classified in class 426, it is noted that class 383 also contains utensils for enabling persons to retain and consume frozen confections. Applicant's attention is directed to U.S. Patents 4,674,128 and U.S. 4,574,987. Thus, the examiner's classification does not appear to be unreasonable.

Accordingly, the petition to withdraw the restriction requirement is **DENIED**.

JMStone

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

THOMAS P O'CONNELL
1026A MASSACHUSETTS AVENUE
ARLINGTON MA 02476

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IBM CORPORATION
INTELLECTUAL PROPERTY LAW
11501 BURNET ROAD
AUSTIN, TX 78758

Mail Date: 04/20/2010

Applicant	: Thomas G. Phelan	: DECISION ON REQUEST FOR
Patent Number	: 7619979	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/869,390	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/15/2004	: 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.

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

Mail Date: 04/20/2010

Applicant	: Jerry A. Roush	: DECISION ON REQUEST FOR
Patent Number	: 7629691	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/869,404	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/16/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1066** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610

Mail Date: 04/21/2010

Applicant	: Yohji Igarashi	: DECISION ON REQUEST FOR
Patent Number	: 7584047	: RECALCULATION of PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/869,413	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/16/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1444** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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Paper No.

FITCH, EVEN, TABIN & FLANNERY
135 S. LaSALLE STREET
SUITE 900
CHICAGO, IL 60603

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SEP 15 2004

OFFICE OF PETITIONS

In re Application of :
Bacus et al. :
Application No. 10/869,414 :
Filed: June 16, 2004 : NOTICE
Attorney Docket No. :
82524 (5407) :

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 an Image File Wrapper file and, as such, no forwarding of the file is necessary. Examination of the application in Technology Center Art Unit 2621 will proceed in due course.

Telephone inquiries concerning this matter should be directed to the undersigned at (703) 305-0014.

Derek L. Woods
Petitions Attorney
Office of Petitions

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SCOTT R. PRIBNOW, ESQ.
CARGILL, INCORPORATED
P. O. BOX 5624
MINNEAPOLIS, MN 55440-5624

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MAR 0 8 2007

OFFICE OF PETITIONS

In re Application of :
Zhegong Fan :
Application No. 10/869,422 : DECISION GRANTING PETITION
Filed: June 16, 2004 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. CGL99/0011-US12/07148-0 :

This is a decision on the petition, filed March 6, 2007, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on December 19, 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 1638 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\Mar10\869422.wpd

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

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Scott R. Pribnow, Esq.
Cargill, Incorporated
P.O. Box 5624
Minneapolis MN 55440-5624

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MAY 02 2007

OFFICE OF PETITIONS

In re Application of	:	
Zhegong Fan	:	
Application No. 10/869,422	:	LETTER REGARDING
Filed: June 16, 2004	:	PATENT TERM ADJUSTMENT
Attorney Docket No. CGL99/0011-US12 / 07148-0	:	

This is in response to the LETTER REGARDING PATENT TERM ADJUSTMENT filed December 19, 2006, by practitioner of record Lundquist. Applicant indicates that the patent term adjustment indicated in the "early" Notice of Allowance may be longer than appropriate.

On October 19, 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 is 137 days. On December 19, 2006, applicant filed the instant comment (and paid the Issue Fee).

However, on March 6, 2007, applicants filed a petition to withdraw from issue and a request for continued examination (RCE). By decision mailed March 8, 2007, the petition was granted. Accordingly, prosecution was reopened.

In view thereof, a decision is being **held in abeyance** until after the mailing of any new Notice of Allowance and the filing of any application for patent term adjustment under 37 CFR 1.705(b) or resubmission of letter pursuant to comment 43. A new determination of patent term adjustment will accompany any new Notice of Allowance and will include any further adjustments or reductions accrued to date. Applicant must submit a timely

application for patent term adjustment in response to any new Notice of Allowance. Further, applicant continues to be under a duty of candor to the Office. An application for patent term adjustment under 37 CFR 1.705(b) is properly filed after the mailing of the Notice of Allowance on which the application issues and prior to payment of the issue fee (or a request for reapplication of the issue fee) in response to that Notice. A candor letter properly accompanies any issue fee payment in response to any new Notice of Allowance.

As this letter was submitted as an attempt to advise the Office of an error in applicant's favor, the Office will not assess the $200.00 fee under 37 CFR 1.18(e). The Office thanks applicant for their good faith and candor in bringing this to the attention of the Office.

Technology Center AU 1638 has been advised of this decision. The application is, thereby, forwarded to the Technology Center for consideration of the RCE by the examiner.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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Scott R. Pribnow, Esq.
Cargill, Incorporated
P.O. Box 5624
Minneapolis MN 55440-5624

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JAN 30 2008

OFFICE OF PETITIONS

In re Application of :
Zhegong Fan :
Application No. 10/869,422 : LETTER REGARDING
Filed: June 16, 2004 : PATENT TERM ADJUSTMENT
Attorney Docket No. CGL99/0011:
-US12 / 07148-0 :

This is in response to the LETTER REGARDING PATENT TERM ADJUSTMENT filed May 31, 2007 (and resubmitted August 13, 2007). Applicant discloses that the patent term adjustment (PTA) appears to be longer than appropriate.

The request for review of the 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 sixty-seven **(67)** days.

By letter mailed May 2, 2007, a decision on a first LETTER REGARDING PATENT TERM ADJUSTMENT filed December 19, 2006 was held in abeyance. Subsequent to the Letter being filed the application was withdrawn from issue. Accordingly, a decision was held in abeyance until after the mailing of any new Notice of Allowance and the filing of any application for patent term adjustment under 37 CFR 1.705(b) or submission of letter pursuant to comment 43.

On May 14, 2007, the Office mailed a new Notice of Allowance with the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment to date is 137 days. Prior to a decision being issued on the LETTER filed May 31, 2007, on July 3, 2007, the above-identified application matured into U.S. Patent No. 7,238,852, with a Patent Term Adjustment of 137 days.

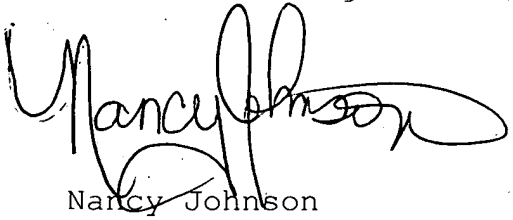
A review of the record confirms that an additional period of reduction should be entered for applicant's failure to engage pursuant to 37 CFR 1.704(c)(10). A first Notice of Allowance was mailed on October 19, 2006. Patentees filed a Request for Continued Examination (RCE) and IDS (and petition to withdraw from issue) on March 6, 2007. Prior to filing the RCE, applicant paid the Issue Fee. This set the calculation of the period of reduction pursuant to 37 CFR 1.704(b), if any, for applicant delay. The filing of the RCE and IDS after the mailing of the Notice of Allowance constituted a failure to engage pursuant to 37 CFR 1.704(c)(10). This period is 70 days, counting the number of days in the period beginning on March 6, 2007, the date of filing of the RCE and IDS and ending on May 14, 2007, the date of mailing of the new Notice of Allowance in response.

In view thereof, the revised patent term adjustment indicated in the patent should be sixty-seven (67) days.

As this letter was submitted to advise the Office of an error in patentees' favor, the Office will not assess the $200.00 fee under 37 CFR 1.18(e). The Office thanks patentees for their good faith and candor in bringing this to the attention of the Office.

The application 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 sixty-seven **(67)** days.

Telephone inquiries specific to this decision 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 : 7,238,852 B2

DATED : **July 3, 2007**

INVENTOR(S) : Fan

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 137 days

Delete the phrase "by 137 days" and insert – by 67 days--

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DAY PITNEY LLP
ACCOUNT: ILLINOIS TOOL WORKS INC.
7 TIMES SQUARE
NEW YORK, NY 10036-7311

Mail Date: 04/26/2010

Applicant	: Eric P. Plourde	: DECISION ON REQUEST FOR
Patent Number	: 7637297	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 10/869,441	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/16/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **893** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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CESARI AND MCKENNA, LLP
88 BLACK FALCON AVENUE
BOSTON, MA 02210

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OFFICE OF PETITIONS

In re Application of :
Yinguan WU et al. :
Application No. 10/869,447 : DECISION ON PETITION
Filed: June 16, 2004 :
Attorney Docket No. **STL11794** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 10, 2008, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before April 22, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed January 22, 2008. Accordingly, the date of abandonment of this application is April 23, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1440 and the publication fee of $300, (2) the petition fee of $1540; and (3) a proper statement of unintentional delay. Accordingly, the Issue Fee Payment is accepted as having been unintentionally delayed.

The power of attorney submitted on June 10, 2008 is accepted and has been made of record.

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

This application is being referred to the Office of Data Management for processing into a patent.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

HARD Files

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE :6/16/06

TO SPE OF : ART UNIT 1724

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/869469 Patent No.: 7004465

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: _____

Richard L. Chiesa
RICHARD L. CHIESA
PRIMARY EXAMINER

June 23, 2006

DUANE SMITH
SUPERVISORY PATENT EXAMINER

SPE

1724
Art Unit

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COMMISSIONER FOR PATENTS
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Paper No. None

Mark W. Sincell
Williams, Morgan & Amerson, P.C.
Suite 1100
10333 Richmond
Houston TX 77042

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MAY 2 7 2005

OFFICE OF PETITIONS

In re Application of
Rune Tonneessen, Stephane Cordier, and
Eskild Storteig
Application No. 10/869,465
Filed: June 16, 2004
Attorney Docket No. 2088.005900/14.0257
Title: METHOD AND APPARATUS FOR REDUCING AND EXTRACTING WING-TIP VORTEX ENERGY

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

This is in response to the petition under 37 C.F.R. §1.47(a)[1], filed February 10, 2005.

On June 16, 2004, the application was filed, identifying Rune Tonneessen, Stephane Cordier, and Eskild Storteig as joint inventors. The application was deposited without an executed oath or declaration. On August 12, 2004, a "Notice to File Missing Parts of Nonprovisional Application – Filing Date Granted" (Notice) was mailed, indicating that a fully executed oath or declaration, the associated surcharge, the basic filing fee, and additional claim fees were required. This Notice set a two-month period for reply.

[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.

Along with the instant petition, Petitioner has submitted a declaration which has been executed by the first and last listed joint inventors, the petition fee, the surcharge, additional claim fees, a statement of facts, and a copy of a letter.

Petitioner has met requirements (1) – (2) above.

Regarding the third requirement, petitioner has failed to include a statement of the last known address of the non-signing inventor[2]. Petitioner has included the last known work address for the non-signing inventor, but has not set forth that Mr. Cordier customarily receives mail at his work address. On renewed petition, Petitioner should either provide this statement or present the last known residential address of the non-signing inventor.

Regarding the fourth requirement, Petitioner has not shown that a *complete* copy of the application was sent to the non-signing inventor. Ms. Danas sets forth that the declaration and power of attorney, assignment, and "the filing particulars of the application[3]" were sent to the non-signing joint inventor. The undersigned cannot ascertain what an application's "particulars" might be. However, the letter of September 30, 2004 states only two items were included with the package: the declaration and Power of Attorney, and the Assignment. Hence, it is clear that a complete copy of the application was not sent to the non-signing inventor - had a complete copy of the application been included, it would have been listed in the itemization which appears in the text of the letter. As such, Rule 47 applicant has failed to present the non-signing inventor with a copy of the entire application.

As developed in MPEP 409.03(e), the Office requires these materials to be sent to the residence of the inventor, as that is most likely the location where he might receive mail. Unfortunately, it is not clear where precisely this address is, since no residential address has been revealed.

Furthermore, the Federal Express tracking report establishes that the package was received by an individual by the name of Georgeti, who apparently works at the non-signing inventor's place of business. It is not clear who this individual is, and it has not been established that this individual delivered the package to the non-signing inventor. What is clear is that the non-signing inventor did not receive the package directly from Federal Express, and even if the package eventually found its way to the non-signing inventor, the package was incomplete in that it did not contain a complete copy of the application.

As it is clear that the non-signing inventor never received the application, it follows that one cannot refuse to sign something which one has not seen. 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[4].

---

2 See MPEP 409.03(e).

3 Statement of Kathryn Danas, paragraph 3.

4 In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).

If the non-signing inventor normally receives correspondence at work, then a statement to this effect should be supplied by one having firsthand knowledge of this. It is noted that the declaration does contains neither a residential or a mailing address for this individual. If the non-signing inventor normally receives mailings at home, then a complete copy of the application will need to be delivered to the residential address, as this is the location where the non-signing inventor customarily receives mail.

On renewed petition, Petitioner should mail a complete copy of the application to the last known address of the non-signing inventor.

Regarding item (5) above, the declaration fails to comply with 37 C.F.R. §1.63(c)(1) in that it identifies neither the mailing nor the residential address of the non-signing inventor. On renewed petition, Petitioner should provide an acceptable declaration.

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

Any reply must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition Under 37 C.F.R. 1.47(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.

Any renewed petition may be submitted by mail[5], hand-delivery[6], or facsimile[7].

The application file will be retained in the Office of Petitions for two (2) months.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (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

5 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

6 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.

7 (703) 872-9306 - please note this is a central facsimile number, and as such, there will be a delay in the delivery of the facsimile to the undersigned, which could be as much as one month.

UNITED STATES 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

Mark W. Sincell
Williams, Morgan & Amerson, P.C.
Suite 1100
10333 Richmond
Houston TX 77042

COPY MAILED

JUL 27 2005

OFFICE OF PETITIONS

In re Application of
Rune Tonneessen, Stephane Cordier, and
Eskild Storteig
Application No. 10/869,465
Filed: June 16, 2004
Attorney Docket No. 2088.005900/14.0257
Title: METHOD AND APPARATUS FOR REDUCING AND EXTRACTING WING-TIP VORTEX ENERGY

DECISION ON RENEWED PETITION UNDER C.F.R. §1.47(A)

This is in response to the renewed petition under 37 C.F.R. §1.47(a)[1], filed July 6, 2005.

On June 16, 2004, the application was filed, identifying Rune Tonneessen, Stephane Cordier, and Eskild Storteig as joint inventors. The application was deposited without an executed oath or declaration. On August 12, 2004, a "Notice to File Missing Parts of Nonprovisional Application – Filing Date Granted" (Notice) was mailed, indicating that a fully executed oath or declaration, the associated surcharge, the basic filing fee, and additional claim fees were required. This Notice set a two-month period for reply.

[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.

With the original petition, on February 10, 2005 Petitioner submitted a declaration which has been executed by the first and last listed joint inventors, the petition fee, the surcharge, additional claim fees, a statement of facts, and a copy of a letter.

The petition was dismissed via the mailing of a decision on May 27, 2005, for failing to meet requirements (3) - (5) above.

With this renewed petition, Petitioner has met requirements (3) and (4) above. Regarding the third requirement, Petitioner has indicated that Mr. Cordier customarily receives mail at his work address. Regarding the fourth requirement, Petitioner has set forth that a complete copy of the application was electronically sent to Mr. Cordier on June 22, 2005.

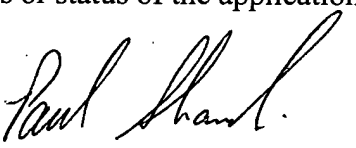
However, Petitioner has not addressed the fifth requirement. The declaration supplied with the renewed petition appears to be a copy of that which was submitted with the original petition. Therefore, the declaration still fails to comply with 37 C.F.R. §1.63(c)(1) in that it identifies neither the mailing nor the residential address of the non-signing inventor. On renewed petition, Petitioner should provide an acceptable declaration. It is further noted that the declaration fails to comply with 37 C.F.R. §1.63(a)(3) in that citizenship of Mr. Cordier does not appear.

As such, the petition is again **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 "Second Renewed Petition Under 37 C.F.R. 1.47(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. Any renewed petition may be submitted by mail[2], hand-delivery[3], or facsimile[4].

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.



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

2 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

3 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.

4 (703) 872-9306 - please note this is a central facsimile number. On July 15, 2005, the Central FAX Number changed to 571-273-8300. To give customers time to adjust to the new Central FAX Number, faxes sent to the old number (703-872-9306) will be routed to the new number until September 15, 2005.

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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No. None

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AUG 12 2005

OFFICE OF PETITIONS

In re Application of
Rune Tonneessen, Stephane Cordier, and
Eskild Storteig
Application No. 10/869,465
Filed: June 16, 2004
Attorney Docket No. 2088.005900/14.0257
Title: METHOD AND APPARATUS FOR REDUCING AND EXTRACTING WING-TIP VORTEX ENERGY

DECISION ON SECOND RENEWED PETITION UNDER C.F.R. §1.47(A)

This is in response to the second renewed petition under 37 C.F.R. §1.47(a)[1], filed August 1, 2005.

On June 16, 2004, the application was filed, identifying Rune Tonneessen, Stephane Cordier, and Eskild Storteig as joint inventors. The application was deposited without an executed oath or declaration. On August 12, 2004, a "Notice to File Missing Parts of Nonprovisional Application – Filing Date Granted" (Notice) was mailed, indicating that a fully executed oath or declaration, the associated surcharge, the basic filing fee, and additional claim fees were required. This Notice set a two-month period for reply.

[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.

With the original petition, on February 10, 2005 Petitioner submitted a declaration which has been executed by the first and last listed joint inventors, the petition fee, the surcharge, additional claim fees, a statement of facts, and a copy of a letter.

The petition was dismissed via the mailing of a decision on May 27, 2005, for failing to meet requirements (3) - (5) above.

The renewed petition was submitted on July 6, 2005, and was deemed to have met requirements (3) and (4) above. The renewed petition was dismissed via the mailing of a decision on July 27, 2005, for failing to provide an acceptable declaration.

With this second renewed petition, Petitioner has submitted a declaration which contains the address and citizenship of the non-signing inventor.

Therefore, the second renewed petition is **GRANTED** and this application is hereby accorded Rule §1.47(a) status.

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

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

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

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David W.Carrithers
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One Paragon Center
6060 Dutchman's Lane, Suite 140
Louisville KY 40205

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MAY 09 2007

OFFICE OF PETITIONS

In re Application of	:	
Sunkara et al.	:	
Application No.: 10/869489	:	DECISION ON
Filing or 371(c) Date: 06/16/2004	:	PETITION
Attorney Docket Number: AF125/2003	:	

This is a decision in response to the Request for Withdrawal of Abandonment and Reinstatement of Application, filed March 13, 2007. The petition is properly treated under 37 CFR 1.181.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the non-final office action, mailed August 8, 2006. The Office action set a three (3) month period for reply. Extensions of time were available under 37 CFR 1.136(a). No reply having been received, the application became abandoned on November 9, 2006. A Notice of Abandonment was mailed February 21, 2006.

Applicant files the instant petition and asserts that a timely reply to the Office action was filed via facsimile on February 8, 2007, including a three (3) month extension of time. In support of this assertion, Applicant provides a copy of an Amendment which includes a Certificate of Mailing dated February 8, 2007. The Certificate of Mailing is executed by petitioner herein.

Office records also reveal that an Amendment, Extension of Time and Terminal Disclaimer were received in this Office on February 13, 2007.

In view of the above, the petition is granted.

The application is being referred to Technology Center Art Unit 1722 for processing of the Amendment/reply.

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

Derek L. Woods
Attorney
Office of Petitions

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JOHN S. PRATT, ESQ
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1100 PEACHTREE STREET
ATLANTA, GA 30309

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JUN 19 2008

OFFICE OF PETITIONS

In re Application of :
Paul Eugene Miller :
Application No. 10/869,496 : DECISION ON PETITION
Filed: June 16, 2004 :
Attorney Docket No. 89239.0023 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 4, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement, mailed March 29, 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 April 30, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an election with amendment, (2) the petition fee of $1540, and (3) a proper statement of unintentional delay.

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

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

This application is being referred to Technology Center AU 1761 for appropriate action by the Examiner in the normal course of business on the reply received December 4, 2007.

April M. Wise
Petitions Examiner
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
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VERTEX PHARMACEUTICALS INC.
130 WAVERLY STREET
CAMBRIDGE MA 02139-4242

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OCT 16 2006
OFFICE OF PETITIONS

In re Application of	:	
Jarecki et al.	:	DECISION ON
Application No.: 10/869,498	:	
Filing Date: June 16, 2004	:	PETITION UNDER
Docket No.: VPI/03-115 USA	:	
For: Compounds Useful As Promoters Of SMN2	:	37 CFR 1.137(b)

This is a decision on Petition Under 37 CFR 1.137(b), filed on August 9, 2006.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to file a timely and proper reply to the non-final Office action mailed June 15, 2005, which set a shortened statutory period for reply of three (3) months. The application went abandoned at midnight on December 15, 2005. A Notice of Abandonment was mailed on January 3, 2006.

Petitioner has met the requirements for revival under §1.137(b). Petitioner submitted the required reply in the form of a response including an amendment, authorized the petition fee to be charged to a Deposit Account, and made the statement that "the entire delay in filing the required response to the Office Action, from the September 15, 2005 due date until the filing of this petition was unintentional." This is being construed as a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Petitioner must notify the Patent and Trademark Office if such an interpretation of the statement in the petition is not correct. Said statement is being accepted in satisfaction of 37 CFR 1.137(b)(3). Since this utility application was filed after June 8, 1995, no terminal disclaimer is required. Accordingly, the petition is granted under §1.137(b).

This application is being referred to Technology Center 1624 for continued processing.

George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
on behalf of
Office of Petitions
Telephone: 571-272-3283
Facsimile: 571-273-0459

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

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NOV 17 2008

In re Application of	:	
JARECKI et al.	:	LETTER REGARDING PATENT
Application No. 10/869,498	:	TERM ADJUSTMENT
Filed: June 16, 2004	:	
Attorney Docket No. 21907-006001	:	

This letter is in response to the "LETTER REGARDING PATENT TERM ADJUSTMENT," filed July 3, 2008. Pursuant to applicant's duty of good faith and candor to the Office, applicant requests that the determination of patent term adjustment under 35 U.S.C. 154(b) be reviewed for accuracy.

The request for review of the initial Determination of Patent Term Adjustment is **granted to the extent indicated herein**.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the notice of allowance is **zero (0) days**.[1] A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On April 4, 2008, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment to date is zero (0) days. On July 3, 2008, applicant submitted the instant comment.

Applicant states that the Office failed to assess applicant a delay of 92 days for the filing of the reply on August 7, 2007, in response to the final Office action of February 7, 2007.

[1] Although the overall Patent Term Adjustment determination remains zero (0) days, the amount of applicant delay is increased from 355 days to 488 days.

The application history has been reviewed and it has been determined that the period of reduction of patent term adjustment is incorrect.

A final Office action was mailed on February 7, 2007. Applicant filed a response on August 7, 2007, in excess of the three-month period from the mailing date of the final Office action. See 37 CFR 1.704(b). Thus, applicant failed to engage in reasonable efforts to conclude prosecution of this application. The period of adjustment should have been reduced by 92 days, the number of days in the period beginning on the day after the date that is three months after the date of mailing of the final Office action, May 8, 2007, ending on the date the reply was filed, August 7, 2007. See 37 CFR 1.704(b). Accordingly, a period of reduction of 92 days will be entered.

Furthermore, a review of the record reveals that applicant should have been assessed a delay of 396 days for the abandonment of the application. See 37 CFR 1.704(c)(3). A nonfinal Office action was mailed on June 15, 2005, which set a three-month shortened statutory period for reply. Applicant did not file a timely and proper reply to the nonfinal Office action. Thus, the application became abandoned on September 16, 2005. On August 9, 2006, applicant filed a petition under 37 CFR 1.137(b) to revive the application. A decision granting the petition to revive was mailed on October 16, 2006. Accordingly, the period of adjustment should be reduced by 396 days (not 328 days), counting the number of days beginning on the date of abandonment, September 16, 2005, and ending on the lesser period of the date of mailing of the decision reviving the application, October 16, 2006. See 37 CFR 1.704(c)(3)(i). The period of reduction of 328 days will be removed and a period of reduction of 396 days will be entered.

In view thereof, the correct patent term adjustment at the time of the mailing of the notice of allowance remains **zero (0) days** (60 days of Office delay - 488 days of applicant delay).

As this letter was submitted as an advisement to the Office of an error in applicant's favor, the Office will not assess the $200.00 fee as set forth in 37 CFR 1.18(e). The Office thanks applicant for applicant's good faith and candor in bringing this to the attention of the Office.

Applicant is reminded that any delays by the Office pursuant to 37 CFR 1.702(a)(4) and 1.702(b) and any applicant delays under 37 CFR 1.704(c)(10) will be calculated at the time of the issuance of the

patent and applicant will be notified in the Issue Notification letter that is mailed to applicant approximately three weeks prior to issuance.

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

Telephone inquiries regarding this matter should be directed to Christina Tartera Donnell, Senior Petitions Attorney, at (571) 272-3211.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of updated PAIR screen

Day : Thursday
Date: 11/13/2008

PALM INTRANET

Time: 16:03:13

PTA Calculations for Application: 10/869498			
Application Filing Date:	06/16/2004	PTO Delay (PTO):	60
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	355
Post-Issue Petitions:	0	Total PTA (days):	0
PTO Delay Adjustment:	-488		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
84	11/13/2008	ADJUSTMENT OF PTA CALCULATION BY PTO		396	
83	11/13/2008	ADJUSTMENT OF PTA CALCULATION BY PTO		92	
71	04/04/2008	MAIL NOTICE OF ALLOWANCE			
70	03/31/2008	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
69	03/31/2008	ISSUE REVISION COMPLETED			
68	03/31/2008	DOCUMENT VERIFICATION			
67	03/31/2008	ALLOWED CASE RETURNED TO THE EXAMINER FOR CLERICAL PROCESSING			
66	03/31/2008	NOTICE OF ALLOWABILITY			
61	01/11/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
60	01/11/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
59	02/21/2008	DATE FORWARDED TO EXAMINER			
58	01/11/2008	REQUEST FOR CONTINUED EXAMINATION (RCE)			
57	02/21/2008	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
56	01/11/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
55	01/11/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
53	01/11/2008	WORKFLOW - REQUEST FOR RCE - BEGIN			
52	11/20/2007	EXPORT TO INITIAL DATA CAPTURE			
51	11/15/2007	MAIL EXAMINER INTERVIEW SUMMARY (PTOL - 413)			
50	11/15/2007	MAIL NOTICE OF ALLOWANCE			

49	11/15/2007	ISSUE REVISION COMPLETED			
48	11/15/2007	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
47	11/15/2007	CASE DOCKETED TO EXAMINER IN GAU			
46	11/15/2007	DOCUMENT VERIFICATION			
45	11/13/2007	NOTICE OF ALLOWABILITY			
40	09/24/2007	CORRESPONDENCE ADDRESS CHANGE			
39	08/14/2007	DATE FORWARDED TO EXAMINER			
38	08/07/2007	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
37	08/14/2007	DATE FORWARDED TO EXAMINER			
36	08/07/2007	REQUEST FOR CONTINUED EXAMINATION (RCE)			
35	08/14/2007	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
34	08/07/2007	REQUEST FOR EXTENSION OF TIME - GRANTED			
33	08/07/2007	WORKFLOW - REQUEST FOR RCE - BEGIN			
32	08/07/2007	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
30	02/07/2007	MAIL FINAL REJECTION (PTOL - 326)	60		25
29	02/07/2007	MAIL EXAMINER INTERVIEW SUMMARY (PTOL - 413)			
28	11/06/2006	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
27	02/05/2007	FINAL REJECTION			
26	10/26/2006	DATE FORWARDED TO EXAMINER			
25	08/09/2006	RESPONSE AFTER NON-FINAL ACTION		328	16
24	10/26/2006	MAIL NOTICE OF RESCINDED ABANDONMENT			
23	10/26/2006	NOTICE OF RESCINDED ABANDONMENT IN TCS			
22	10/16/2006	MAIL-PETITION TO REVIVE APPLICATION - GRANTED			
21	08/09/2006	PETITION ENTERED			
20	01/03/2006	MAIL EXAMINER INTERVIEW SUMMARY (PTOL - 413)			
19	01/03/2006	MAIL ABANDONMENT FOR FAILURE TO RESPOND TO OFFICE ACTION			
18	12/27/2005	ABANDONMENT FOR FAILURE TO RESPOND TO OFFICE ACTION			
		EXAMINER INTERVIEW SUMMARY RECORD			

17	12/22/2005	(PTOL - 413)			
16	06/15/2005	MAIL NON-FINAL REJECTION			
15	06/13/2005	NON-FINAL REJECTION			
14	12/30/2004	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
13	12/30/2004	CASE DOCKETED TO EXAMINER IN GAU			
12	12/17/2004	APPLICATION RETURN FROM OIPE			
11	12/17/2004	APPLICATION RETURN TO OIPE			
10	12/16/2004	APPLICATION DISPATCHED FROM OIPE			
9	12/17/2004	APPLICATION IS NOW COMPLETE			
8	12/09/2004	PAYMENT OF ADDITIONAL FILING FEE/PREEXAM		27	6
7	12/09/2004	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
6	08/12/2004	NOTICE MAILED--APPLICATION INCOMPLETE--FILING DATE ASSIGNED			
5	08/02/2004	CLEARED BY L&R (LARS)			
4	07/22/2004	REFERRED TO LEVEL 2 (LARS) BY OIPE CSR			
3	07/22/2004	CASE CLASSIFIED BY OIPE			
2	06/30/2004	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	06/16/2004	INITIAL EXAM TEAM NN			

Search Another: Application# Search

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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NOV 0 8 2005

OFFICE OF PETITIONS

In re Application of
Duggan, et al.
Application No. 10/869,502
Filed: June 16, 2004
Attorney Docket No. CRUI/0016

DECISION
ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed September 27, 2005 (certificate of mailing date September 13, 2005), to revive the above-identified application.

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

This application became abandoned for failure to properly reply to the Notice to File Missing Parts of Application mailed August 3, 2004, which set a two month shortened statutory period to submit filing fees, an executed oath/declaration and surcharge for their late filing. Petitioners obtained a four month extension of time pursuant to 37 CFR 1.136(a) and submitted filing fees, a surcharge, and a declaration signed by all but one inventor on February 7, 2005 (certificate of mailing date February 3, 2005). A Notice of Incomplete Reply was mailed on February 23, 2005 because the signature of Wayne Rudd was missing. The application became abandoned on February 4, 2005 . The filing of the present petition precedes the mailing of a Notice of Abandonment.

Applicants have submitted a proper reply in the form of an executed declaration, an acceptable statement of the unintentional nature of the delay in responding to the August 3, 2004 Notice, and the petition fee. Accordingly, the petition under 37 CFR 1.137(b) is granted

After the mailing of this decision, the file will be 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

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

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JUN 0 6 2007

OFFICE OF PETITIONS

In re Application of :
Susan A. Curtis, et al. :
Application No. 10/869,529 :
Filed: June 16, 2004 :
Attorney Docket No. TI-37632 :

ON PETITION

This is a decision on the petition, filed February 15, 2007, to revive the above-identified application under 37 CFR 1.137(b).

The petition is **granted**.

This application became abandoned as a result of petitioner's failure to file a complete and proper appeal brief within the time period provided in 37 CFR 41.37(a)(1). As a complete and proper appeal brief was not filed within one (1) month of the Notification of Non-Compliance with 37 CFR 41.37(c)(1), mailed August 29, 2006, and no extensions of time under the provisions of 37 CFR 1.136(a) were obtained, the appeal was dismissed and the proceedings as to the rejected claims were terminated. *See* 37 CFR 1.197(b). As no claim was allowed, the application became abandoned on September 30, 2006. *See* MPEP 1215.04.

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 and fee; (2) the petition fee of 1,500; and (3) an adequate statement of unintentional delay.

The application is being referred to Technology Center AU 2816.

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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

ATMI, INC.
7 COMMERCE DRIVE
DANBURY, CT 06810

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FEB 17 2006

OFFICE OF PETITIONS

In re Application of :
Chongying Xu et al :
Application No. 10/869,532 : DECISION GRANTING PETITION
Filed: June 16, 2004 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. ATMI-710 :

This is a decision on the petition, filed February 16, 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 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 1621 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the Information Disclosure Statement.

Frances Hicks
Petitions Examiner
Office of Petitions

C:\Documents and Settings\FHicks\My Documents\470\Feb9\869532.wpd

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 09/10/08

TO SPE OF : ART UNIT 2834

SUBJECT : Request for Certificate of Correction for Appl. No.: 10869552 Patent No.: 7335999

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580
You can fax the Directors/SPE response to 571-270-9990

_____
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.

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

Comments: _____

changes do not alter the scope of the claims

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

SPE /Darren Schuberg /

Art Unit 2834

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 09/10/08

TO SPE OF : ART UNIT 2834

SUBJECT : Request for Certificate of Correction for Appl. No.: 10869552 Patent No.: 7335999

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
[redacted]

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.

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

Comments: _____

changes do not alter the scope of the claims

PAGE 1/2 * RCVD AT 9/11/2008 8:27:11 AM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/35 * DNIS:2709990 * CSID:7033087721 * DURATION (mm-ss):01-00

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

SPE /Darren Schuberg /

Art Unit 2834

PAGE 2/2 * RCVD AT 9/11/2008 8:27:11 AM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/35 * DNIS:2709990 * CSID:7033087721 * DURATION (mm-ss):01-00

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United States Patent and Trademark Office
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Patrick G. Burns, Esq.
GREER, BURNS & CRAIN, LTD.
Suite 2500
300 South Wacker Dr.
Chicago, IL 60606

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OFFICE OF PETITIONS

In re Application of :
Toshihiko Morita, et. al. :
Application No. 10/869,585 : ON PETITION
Filed: June 16, 2004 :
Attorney Docket No. 1924.70737 :

This is a decision on the petition under 37 CFR 1.137(b), filed August 20, 2007, to revive the above-identified application.

The application became abandoned for failure to respond to the non-final Office action mailed November 21, 2006. A Notice of Abandonment was mailed on June 20, 2007.

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

The petition satisfies the requirements of 37 CFR 1.137(b), in that, petitioner has supplied (1) the reply in the form of an amendment and one (1) sheet of replacement drawings containing Figures 9A-10; (2) the petition fee of $1,500; and (3) an adequate statement of unintentional delay. Therefore, the petition is **GRANTED**.

This application file is being referred to Technology Center Art Unit 2112, 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

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ALEXANDRIA, VA 22313-1450
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DANIEL E. JOHNSON
IBM CORPORATION, ALMADEN RESEARCH CENTER
INTELLECTUAL PROPERTY LAW DEPT. C4TA/J2B
650 HARRY ROAD
SAN JOSE, CA 95120-6099

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APR 19 2006
OFFICE OF PETITIONS

In re Application of	:
Jeffrey R. Childress, et. al.	:
Application No. 10/869,590	:
Filed: June 15, 2004	:
Attorney Docket No. ARC920020023US2	:

This is a decision on the petition, filed by facsimile transmission on April 10, 2006, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the assignee's name on the Fee(s) Transmittal form PTOL-85(b) by way of a certificate of correction in the patent to be issued from the above-identified application.

The request is **GRANTED**.

Petitioner states that the correct assignee's name is International Business Machines Corporation and that the assignee's name was not included on the Fee(s) Transmittal form PTOL-85(b) at the time of payment of the issue fee. Accordingly, petitioner requests that a certificate of correction be issued to reflect the correct assignee on the front page of the Letters Patent in the patent to be issued from the application.

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

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

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

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

This matter is being referred to the Certificates of Correction Branch for processing of a certificate of correction after issuance of this application into a patent.

Inquiries concerning this decision should be directed to the undersigned at (571) 272-3226. Any questions concerning the issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (703) 305-8309.

Andrea Smith
Petitions Examiner
Office of Petitions

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12400 Wilshire Boulevard
Seventh Floor
Los Angeles, CA 90025-1030

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JUL 1 1 2005

DIRECTOR OFFICE
TECHNOLOGY CENTER 2100

In re Application of:
Jeb McCALEB, et al.
Application No. 10/869,591
Filed: June 15, 2004
For: INTELLIGENT PATCH CHECKER

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY OR AGENT

This is a decision on the Request For Withdrawal As Attorney Under 37 CFR § 1.36 and 0.40(c) filed December 3, 2004.

A Revocation And Substitution Of Power Of Attorney Under 37 CFR § 1.36 was filed on June 17, 2005. The Power Of Attorney revoked all prior Powers Of Attorney and appointed Schwegman, Lundberg, Woessner & Kluth, P.A. as the attorney(s) of record of the instant application. The Power of Attorney of June 17, 2005 was accepted. Accordingly, all communications from the U.S. Patent and Trademark Office to applicant are to be conducted by Schwegman, Lundberg, Woessner & Kluth, P.A.

For the above stated reasons, the request is **DISMISSED AS MOOT**.

No further communication to you regarding this application will be made.

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

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LUMEN INTELLECTUAL PROPERTY SERVICES, INC.
2345 YALE STREET, 2ND FLOOR
PALO ALTO, CA 94306

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DEC 29 2006

OFFICE OF PETITIONS

In re Application of :
Konstantin Vodopyanov :
Application No. 10/869,623 : DECISION ON PETITION
Filed: June 16, 2004 :
Attorney Docket No. PIC-0128 :

This is a decision on the petition under 37 CFR 1.182, filed May 22, 2006, to change the order of the names of the inventors.

The petition is **GRANTED**.

Office records have been corrected to reflect the change in the order of the named inventors. A corrected Filing Receipt, which sets forth the desired order of the named inventors, accompanies this decision on petition.

As authorized, the $400 fee for the petition under 37 CFR 1.182 has been assessed to petitioner's deposit account.

The application is being referred to the Office of Publications.

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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
10/869,623	06/16/2004	2874	1179	PIC-0128	6	51	8

CONFIRMATION NO. 6770

30869
LUMEN INTELLECTUAL PROPERTY SERVICES, INC.
2345 YALE STREET, 2ND FLOOR
PALO ALTO, CA 94306

CORRECTED FILING RECEIPT

OC000000021780110

OC000000021780110

Date Mailed: 12/28/2006

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)

Bruce Richman, Sunnyvale, CA;
Konstantin Vodopyanov, San Jose, CA;
Chris Rella, Sunnyvale, CA;

Power of Attorney:

Herbert Burkard--24500
Thomas McFarlane--39299
Ron Jacobs--50142
Kenneth Benderly--51453
Miriam Kaplan--55315
Robert Lodenkamper--55399

Domestic Priority data as claimed by applicant

This application is a CIP of 10/349,379 01/21/2003 PAT 6,982,999

Foreign Applications

If Required, Foreign Filing License Granted: 08/07/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/869,623

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

FREQUENCY CONVERSION EFFICIENCY

Preliminary Class

359

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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

GRANTED

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

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

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

NOT GRANTED

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

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1180 AVENUE OF THE AMERICAS
NEW YORK NY 10036-8403

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MAY 11 2005

OFFICE OF PETITIONS

In re Application of :
Hajime Furuta, et al. :
Application No. 10/869,627 : DECISION ON PETITION
Filed: June 15, 2004 :
Attorney Docket No. P/962-19 :

This is a decision on the "Petition under 37 CFR §1.10(d)" filed January 18, 2005, requesting that the above-identified application be accorded a filing date of June 15, 2004, rather than the presently accorded filing date of June 16, 2004.

The petition is **GRANTED**.

Petitioner maintains that applicants properly deposited Express Mail Label No. EV209612629US and attached papers with the United States Postal Service (USPS), "Express Mail Post Office to Addressee", on June 15, 2004. However, the USPS incorrectly entered the "date-in" as June 16, 2004. Pursuant to 37 CFR 1.10(d), applicants petition the Director to accord a filing date for the above-identified application as of the actual date of deposit with the USPS. In support thereof, petitioner submitted *inter alia* true copies of:

- USPS Pickup Service Statement For Express Mail, showing a pickup date of "6/15/04";
- the USPS "Post Office to Addressee" "Express Mail" mailing label, EV209612629US; and
- the application transmittal letter for this application.

Preliminarily, it is concluded that the petition was filed promptly within the meaning of §1.10(d)(1). The evidence of record further shows that the number of the "Express Mail" mailing label, EV209612629US, is on the correspondence of record presently accorded a filing date of June 16, 2004, and thus, was placed on the correspondence prior to the original mailing.

Finally, the USPS Pickup Service Statement confirms that the "Express Mail" package bearing mailing label No. EV209612629US was picked up and in the possession of an USPS representative on June 15, 2004, by the signature and date applied thereon by the USPS employee. Accordingly, petitioner has made a showing which establishes, to the satisfaction of the Director, 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.

Having considered the evidence, it is concluded that petitioner has shown that the "date-in" on the "Express Mail" mailing label was incorrectly entered by the USPS, and that the requested filing date, June 15, 2004, is the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup of the day. The proper date to be accorded this application is June 15, 2004, not June 16, 2004.

The application is being referred to the Office of Initial Patent Examination (OIPE) to correct the filing date to **June 15, 2004** and to issue a corrected filing receipt.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to OIPE processing should be directed to their hotline at (703) 308-1202.

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

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SEP 9 2005

In re Application of	:	
Zhegong Fan	:	NOTICE OF WITHDRAWAL
Serial No. 10/869,652	:	FROM ISSUE
Filed: June 16, 2004	:	UNDER 37 CFR 1.313(b)
For: NON-HYDROGENATED CANOLA OIL FOR FOOD APPLICATIONS	:	

The purpose of this communication is to inform you that the above-identified application is being withdrawn from issue pursuant to 37 CFR 1.313.

The application is being withdrawn to permit reopening of prosecution. The reasons therefore will be communicated to you by the examiner.

PTO records reveal that the issue fee has not been paid. If the issue fee has been submitted, the applicant may request a refund or may request that the fee be credited to a deposit account. However, applicant may wait until the application is either again found allowable or held abandoned. If the application is allowed, upon receipt of a new Notice of Allowance and Issue Fee Due, applicant may request that the previously submitted issue fee be applied toward payment of the issue fee in the amount identified on the new Notice of Allowance and Issue Fee Due. If the application is abandoned, applicant may request either a refund or a credit to a deposit account.

The application is being forwarded to the examiner for action.

George C. Elliott

George C. Elliott, Director
Technology Center 1600

Scott R. Pribnow, Esq.
Cargill, Incorporated
P.O. Box 5624
Minneapolis MN 55440-5624

cc: Allowed Files
Drafting Branch

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SCOTT R. PRIBNOW, ESQ.
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MINNEAPOLIS, MN 55440-5624

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FEB 23 2007

OFFICE OF PETITIONS

In re Application of	:	
Zhegong Fan	:	
Application No. 10/869,652	:	DECISION GRANTING PETITION
Filed: June 16, 2004	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. CGL99/0011-US13/07148-0	:	

This is a decision on the petition, filed February 21, 2007, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on October 6, 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 1621 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

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

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Scott R. Pribnow, Esq.
Cargill, Incorporated
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APR 16 2007

OFFICE OF PETITIONS

In re Application of :
Zhegong Fan :
Application No. 10/869,652 : LETTER REGARDING
Filed: February 22, 2001 : PATENT TERM ADJUSTMENT
Attorney Docket No. 25020-601D:

This is in response to the LETTER REGARDING PATENT TERM ADJUSTMENT filed October 6, 2006. Pursuant to his duty of good faith and candor to the Office, applicant discloses that the PTA appears to be longer than appropriate (as the applicant delay appears to be shorter than appropriate).

On July 6, 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 is 0 days. On October 6, 2006, applicants filed the instant comment.

However, on February 21, 2007, applicants filed a request for continued examination (RCE). Pursuant to this filing, prosecution may be reopened. It is noted that petitioner has not paid the issue fee.

In view thereof, a decision is being **held in abeyance** until after the mailing of any new Notice of Allowance and the filing of any application for patent term adjustment under 37 CFR 1.705(b) or resubmission of letter pursuant to comment 43. A new determination of patent term adjustment will accompany any new Notice of Allowance and will include any further adjustments or reductions accrued to date. Applicants must submit a timely

application for patent term adjustment in response to any new Notice of Allowance. Further, applicants continue to be under a duty of candor to the Office. An application for patent term adjustment under 37 CFR 1.705(b) is properly filed after the mailing of the Notice of Allowance on which the application issues and prior to payment of the issue fee (or a request for reapplication of the issue fee) in response to that Notice. A candor letter properly accompanies any issue fee payment in response to any new Notice of Allowance.

Technology Center AU 1621 has been advised of this decision. The application is, thereby, forwarded to the Technology Center for consideration of the RCE by the examiner.

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

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.
10/869,665	06/16/2004	Jae-Won Han	OPP-GZ-2007-0076-US-00	6938

36872 7590 06/18/2009

THE LAW OFFICES OF ANDREW D. FORTNEY, PH.D., P.C.
401 W FALLBROOK AVE STE 204
FRESNO, CA 93711-5835

EXAMINER	
CHEN, KIN CHAN	

ART UNIT	PAPER NUMBER
1792	

MAIL DATE	DELIVERY MODE
06/18/2009	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

wk

Mailed: JUN 18 2009

In re application of	:	
Han et al.	:	DECISION ON
Serial No. 10/869,665	:	PETITION
Filed: June 16, 2004	:	
For: Rapid Thermal Processing Apparatus And Methods	:	

This is a decision on the PETITION FILED UNDER 37 CFR 1.181 on April 28, 2009 to withdraw the final status of the office action dated March 2, 2009.

A Final Office Action was mailed on March 2, 2009 whereby the Examiner issued a new ground of rejection of Claims 3-6 and 9-22 under 35 USC 112, first paragraph. Applicants assert that this ground of rejection was not necessitated by amendment since the same limitations in claim 3 were present during the previous non-final Office Action.

Applicant's amendment of July 16, 2008 did amend claim 3 and canceled claim 8. It appears that the limitation of claim 8 has been incorporated into claim 3. Previously claim 8 depended from claim 3. It is noted that claims 4-6, 9, 11, 13, 17, 18, 21 and 22 depend from claim 3 and now encompass the additional limitation of amended claim 3.

The same limitations in claim 3 were present during the previous non-final Office Action and the Examiners new rejection to claim 3 was not necessitated by amendment.

DECISION

The petition for withdrawal of finality is **GRANTED.**

The response period will continue to run from the mail date of the office action of March 2, 2009.

/Gregory Mills/
Gregory L. Mills, Acting Director
Technology Center 1700
Chemical and Materials Engineering

THE LAW OFFICES OF ANDREW D. FORTNEY, PH.D., P.C.
401 W FALLBROOK AVE STE 204
FRESNO CA 93711-5835

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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November 21, 2009

Erin M. Nichols
Hollingsworth & Funk, LLC
8009 34th Avenue South, Suite 125
Minneapolis, MN 55425

Patent No: 7,474,902 B2
Application No: 10/869,674
Applicant: Markku Vimpari, et al.
Issued: January 6, 2009
Title: **METHOD OF CONTROLLING TRANSMISSION POWER AND SUBSCRIBER EQUIPMENT**

Request for Certificate of Correction:

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

The alleged error appearing in the printed patent is an editing change made in accordance with the Style Manual of the Government Printing Office and the Patent Data Base Entry Preparation Manual. Therefore, no correction is in order here under Rules 1.322 or 1.323.

In view of the foregoing your request in this matter is hereby **denied**.

Further correspondence concerning this matter should be filed and directed to Decisions & certificated of Correction Branch.

/Virginia Tolbert/
Virginia Tolbert
For Mary Diggs, Supervisor
Decisions and Certificate of Correction
(571) 272-0460 (voice)
(571) 270-9892 (fax)

vt

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 11/13/08 Paper No.: —

TO SPE OF : ART UNIT 2182

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/869701 Patent No.: 7424557B2

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

Virginia Tolbert
Certificates of Correction Branch
703-308-9390 ext. 113

Thank You For Your Assistance

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

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

Comments: _____

HAF 1/7
SPE

2182
Art Unit

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.: 7,424,557 B2

APPLICATION NO.: 10/869,701

ISSUE DATE: September 9, 2008

INVENTOR: Todd C. Houg

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

OK to enter.
[illegible] 1/18/10

The Related U.S. Application Data, Section (65) of the Face Sheet

Reads	Should Read
Continuation of application No. 10/229,727, filed on Aug. 28, 2002, now Pat. No. 6,769,040, which is a continuation of application No. 09/645,262, filed on Aug. 24, 2000, now Pat. No. 6,470,403, application No. 10/869,701, filed on Jun. 16, 2004, which is a continuation of application No. 09/119,663, filed on Jul. 21, 1998, now Pat. No. 6,243,770.	Continuation of application No. 10/229,727, filed on Aug. 28, 2002, now Pat. No. 6,769,040, which is a continuation of application No. 09/645,262, filed on Aug. 24, 2000, now Pat. No. 6,470,403, which is a continuation of application No. 09/119,663, filed on Jul. 21, 1998, now Pat. No. 6,243,770.

MAILING ADDRESS OF SENDER:

Dkt. No.: 6862.02

DORSEY & WHITNEY LLP
Intellectual Property Department
Suite 1500
50 South Sixth Street
Minneapolis, MN 55402-1498

OCT 2 9 2008

SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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EUGENIO J. TORRES
SUITE 1
1060 ASHFORD AVENUE
SAN JUAN PR 00907

COPY MAILED

JAN 30 2006

OFFICE OF PETITIONS

In re Application of :
Reynaldo Marti-Lopez :
Application No. 10/869,714 : DECISION ON PETITION
Filed: June 16, 2004 : TO MAKE SPECIAL UNDER
Attorney Docket No. : 37 CFR 1.102(d)
:

This is a decision on the petition under 37 CFR 1.102(d), filed December 16, 2005, to make the above-identified application special based on prospective manufacture as set forth in M.P.E.P. § 708.02, Section I.

The petition is **DISMISSED**.

A grantable petition to make an application special under 37 CFR 1.102(d) and MPEP § 708.02, Section I: Manufacture, 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) The possession by the prospective manufacturer of sufficient presently available capital (stating approximately the amount) and facilities (stating briefly the nature thereof) to manufacture the invention in quantity or that sufficient capital and facilities will be made available if a patent is granted;
>
> If the prospective manufacturer is an individual, there must be a corroborating statement from some responsible party, as for example, an officer of a bank, showing that said individual has the required available capital to manufacture;
>
> (B) That the prospective manufacturer will not manufacture, or will not increase present manufacture, unless certain that the patent will be granted;
>
> (C) That the prospective manufacturer obligates himself, herself or itself, to manufacture the invention, in the United States or its possessions, in quantity

immediately upon the allowance of claims or issuance of a patent which will protect the investment of capital and facilities; and

(D) That the applicant or assignee 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 fails to meet the requirements set forth above for special status because it lack items (A), (B), (C), (D) and Information Disclosure Statement References.

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 Irvin Dingle at 571-272-3210.

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

The application is being forwarded to the Technology Center Art Unit 1722 for action in its regular turn.

Amelia Au
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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APR 27 2006

OFFICE OF PETITIONS

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

In re Application of :
Yu, et al. : DECISION ON PETITION
Application No. 10/869,718 :
Filed: June 15, 2004 :
Atty. Dkt. No.: LOVO-071 :

This decision is in response to the petition with withdraw the holding of abandonment under 37 CFR 1.181 filed March 23, 2006.

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

This application was held abandoned May 23, 2005, for failure to timely file a proper response to the non-final Office action mailed February 22, 2005. The non-final Office action set a three month shortened statutory period for reply. Notice of Abandonment was mailed March 2, 2006.

Petitioners argue that a response to the non-final Office was timely submitted May 20, 2005 in accordance with the Certificate of Mailing procedures outlined at 37 CFR 1.8. Petitioners have included a copy of the response to the non-final Office action bearing a certificate of mailing date of May 20, 2005 as evidence of timely submission.

A review of the application file does not indicate receipt of the response purportedly submitted May 20, 2005, however, the response will be considered timely as it complies with the requirements of 37 CFR 1.8(b) in that (1) the Office was promptly informed of the previous timely mailing, (2) a copy of the previously submitted correspondence with certificate of facsimile thereon has been supplied, and (3) statements attesting to the previous timely mailing have been submitted.

In view of the above, the Notice of Abandonment is hereby VACATED and the Notice of Abandonment is WITHDRAWN.

This application is being forwarded to Technology Center 2800 for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0310.

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Meyertons, Hood, Kivlin, Kowert, Goetzel/Symantec
P.O. Box 398
Austin, TX 78767-0398

Mail Date: 04/20/2010

Applicant	: Dhrubajyoti Borthakur	: DECISION ON REQUEST FOR
Patent Number	: 7653647	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/869,723	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/16/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **545** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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COMMISSIONER FOR PATENTS
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MOLLY D MCKAY PC
3207 E 22ND ST
TULSA, OK 74114

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NOV 16 2005

OFFICE OF PETITIONS

In re Application of :
James R. Herod :
Application No. 10/869,731 : ON PETITION
Filed: June 16, 2004 :
Attorney Docket No. None :

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

The application became abandoned for a failure to timely respond to a Notice to File Corrected Application Papers mailed August 4, 2004. A Notice of Abandonment was mailed on April 21, 2005. In response, on June 15, 2005, the present petition was filed.

The application is being referred to the Office of Initial Patent Examination (OIPE) for review of the response filed June 15, 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
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Alexandria, VA 22313-1450
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MAY 19 2006

OFFICE OF PETITIONS

MOLLY D MCKAY PC
3207 E 22ND ST
TULSA, OK 74114

In re Application of
James R. Herod
Application No. 10/869,731
Filed: June 16, 2004
Attorney Docket No. None

CORRECTED DECISION
ON PETITION

This is a corrected decision on the petition under 37 CFR 1.137(b), filed June 15, 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 August 4, 2004. A Notice of Abandonment was mailed on April 21, 2005. In response, on June 15, 2005, the present petition was filed.

The application is being referred to the Office of Initial Patent Examination (OIPE) for review of the response filed June 15, 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 (703) 308-1202.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/869,745	06/16/2004	2872	860	21295.84 (H5822US)	6	25	3

CONFIRMATION NO. 6863

029127
HOUSTON ELISEEVA
4 MILITIA DRIVE, SUITE 4
LEXINGTON, MA 02421

CORRECTED FILING RECEIPT

OC000000013659116

Date Mailed: 08/27/2004

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)

Malte Wachsmuth, Heidelberg, GERMANY;

Assignment For Published Patent Application

Leica Microsystems Heidelberg GmbH, Mannheim, GERMANY;

Domestic Priority data as claimed by applicant

Foreign Applications

GERMANY DE 103 27 486.3 06/17/2003

If Required, Foreign Filing License Granted: 08/02/2004

Projected Publication Date: 12/23/2004

Non-Publication Request: No

Early Publication Request: No

Title

Apparatus and method for determining directional transport processes

Preliminary Class

359

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

GRANTED

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

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

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

NOT GRANTED

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 02-14-09

TO SPE OF : ART UNIT 2618

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/869761 Patent No.: 7242914

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

Certificates of Correction Branch
703-308-9390 ext. 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: _____

EDWARD F. URBAN
SUPERVISORY PATENT EXAMINER

2618
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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JUN 0 4 2008

OFFICE OF PETITIONS

EDWARD J. KONDRACKI
1751 PINNACLE DRIVE, SUITE 500
MCLEAN, VA 22102-3833

In re Application of :
Luca TURIN :
Application No. 10/869,766 : DECISION ON PETITION
Filed: June 16, 2004 : TO WITHDRAW
Attorney Docket No. F081 1020.01 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) filed October 29, 2007.

The request is **NOT APPROVED**.

A review of the file record indicates that Edward J. Kondracki does not have power of attorney in this patent application. See 37 C.F.R. § 10.40. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

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

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

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: WOMBLE CARLYLE SANDRIDGE
& RICE, PLLC
ATTN: PATENT DOCKETING 32ND FLOOR
P.O. BOX 7037
ATLANTA, GA 30357-0037

UNITED STATES PATENT AND TRADEMARK OFFICE

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

WOMBLE CARLYLE SANDRIDGE & RICE, PLLC
ATTN: PATENT DOCKETING 32ND FLOOR
P.O. BOX 7037
ATLANTA GA 30357-0037

MAILED

MAR 2 4 2009

OFFICE OF PETITIONS

In re Application of :
Luca TURIN :
Application No. 10/869,766 : DECISION ON PETITION
Filed: June 16, 2004 :
Attorney Docket No. **F081 1020.1** :

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

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, April 01, 2008, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on July 02, 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 continuing application under 37 CFR 1.53(b); (2) the petition fee of $1620; and (3) a proper statement of unintentional delay.

This application is being revived solely for purposes of continuity. As continuity has been established by this decision, the application is again abandoned in favor of continuing application No. 12/371,771 and No. 12/371,791.

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

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

PTO/SB/64 (01-09)
Approved for use through 02/28/2009. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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

Docket Number (Optional): F081 1020.1

First named inventor: Luca Turin

Application No.: 10/869,766 Art Unit: 1797

Filed: June 16, 2004 Examiner: Keri A. Moss

Title: Improved Aromachemicals

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

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

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

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

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

1. Petition fee

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

☑ Other than small entity – fee $ 1620.00 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of continuation application nos. 12/371,771 and 12/371,791 (identify type of reply):

☑ has been filed previously on February 16, 2009.
☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of $ _____.

☐ has been paid previously on _____.
☐ is enclosed herewith.

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

3. Terminal disclaimer with disclaimer fee

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

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of $ _____ for a small entity or $ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Signature	February 16, 2009 Date
Brian J. Hairston Typed or printed name	46,750 Registration Number, if applicable
Womble Carlyle Sandridge & Rice, PLLC Address	(703) 394-2243 Telephone Number
P.O. Box 7037, Atlanta, GA 30357-0037 Address	

Enclosures: ☑ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

Date	Signature
	Typed or printed name of person signing certificate

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
10/869,780	06/15/2004	Nathan Collins	CMRX-001/02US	7587

23419 7590 02/22/2010
COOLEY GODWARD KRONISH LLP
ATTN: Patent Group
Suite 1100
777 - 6th Street, NW
Washington, DC 20001

EXAMINER	
LUDLOW, JAN M	

ART UNIT	PAPER NUMBER
1797	

MAIL DATE	DELIVERY MODE
02/22/2010	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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FEB 22 2010

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

Travis W. Thomas
BAKER BOTTS L.L.P.
2001 ROSS AVENUE
SUITE 600
DALLAS TX 75201-2980

In re Application of :
O'ROUKE, Chris, et. al. :
Application No. 11/869,780 :
Filed: October 10, 2007 :
Attorney Docket No. 062891.2589 :
Title of Invention: SYSTEM AND METHOD FOR DISTRIBUTING INFORMATION IN A NETWORK ENVIRONMENT

DECISION ON PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed February 8, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must be classified in one of the eligible US classifications listed in section VI of the notice. 2) The application must have no more than 3 independent claims and no more than 20 total claims. 3) The application must not contain any multiple dependent claims. 4) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 5) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be

accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 6) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 7) The petition to make special must be filed electronically. 8) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 9) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item(s) one (1).

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Beatriz Prieto at 571-272-3902.

The application is being forwarded to the Technology Center 2400, Art Unit 2463 for action in its regular turn.

/Beatriz Prieto/

Beatriz Prieto
Quality Assurance Specialist
Technology Center 2400

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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CHAPIN INTELLECTUAL PROPERTY LAW, LLC
WESTBOROUGH OFFICE PARK
1700 WEST PARK DRIVE, SUITE 280
WESTBOROUGH MA 01581

COPY MAILED

OCT 27 2008

In re Application of :
Mathilde Benveniste et al. :
Application No. 10/869,801 : DECISION GRANTING PETITION
Filed: June 16, 2004 :
Attorney Docket Number: AVA04-14 :

This is a decision on the petition filed October 1, 2008 to revive the above identified application under 37 CFR 1.137(a).

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

This application became abandoned for failure to timely respond to an Office Action mailed January 29, 2008 which set a three month period for response. No response having been filed or extension of time requested, this application became abandoned April 30, 2008. Accordingly, a Notice of Abandonment was mailed August 21, 2008.

The file record discloses that the Office Action was mailed January 29, 2008 to the address of record, the same address to which the Notice of Abandonment was mailed and received. However, petitioner contends that the Office Action was not received and that the Office Action was returned to the USPTO.

A review of the USPTO files reveal that the Office Action was in fact returned to the USPTO by the United States Postal Service on February 1, 2008 and no apparent reason can be determined since it appears that the address of record was placed on the correspondence. In view of the facts set forth in the petition, it is concluded that the Office Action was never received.

Since the response to the Office Action has been provided with the instant petition, this matter is being referred to Technology Center 2617 for consideration and treatment of the amendment filed October 1, 2008.

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

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ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

Mail Date: 04/21/2010

Applicant	: William Peyton Roberts	: DECISION ON REQUEST FOR
Patent Number	: 7606632	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/869,815	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/16/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1328** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ROBERT KREBS
THELEN REID BROWN
RAYSMAN & STEINER LLP
225 W. SANTA CLARA STREET
SUITE 1200
SAN JOSE, CA 95113

COPY MAILED

MAR 1 0 2008

OFFICE OF PETITIONS

In re Application of :
Frances H. ARNOLD. Et al :
Application No. 10/869,825 :
Filed: June 15, 2004 :
Attorney Docket No. 1034345-000243 :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed December 7, 2007.

The request is **NOT APPROVED**.

A review of the file record indicates that Robert E. Krebs 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 first copied below-listed address until otherwise properly notified by the applicant.

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

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: BUCHANAN, INGERSOLL
ROONEY LLP
P. O. BOX 1404
ALEXANDRIA, VA 22313-1404

HOLLAND & HART LLP
555 17TH STREET
SUITE 3200
DENVER, CO 80202

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CHOATE, HALL & STEWART LLP
TWO INTERNATIONAL PLACE
BOSTON, MA 02110

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DEC 0 3 2008

OFFICE OF PETITIONS

In re Application of
John JAMAIL, et al
Application No. 10/869,839
Filed: June 18, 2004
Attorney Docket No. 069511.00021

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 31, 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 John D. Lanza on behalf of all the attorneys of record associated with Customer No. 24280.

All the attorneys of record associated with Customer No. 24280 have been withdrawn.

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

The request to change the correspondence address of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first 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 the undersigned at 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: JOHN JAMAIL
30 RUSSELL ST., UNIT #2
WALTHAM, MA 02453

cc: STARBAK COMMUNICATIONS, INC.
29 SAWYER ROAD
WALTHAM, MA 02453

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Mail Date: 04/21/2010

Applicant	: Yasunobu Hashimoto	: DECISION ON REQUEST FOR
Patent Number	: 7642991	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/869,852	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/18/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1433** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, Virginia 22313-1450
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KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON, DC 20005

Mail Date: 04/21/2010

Applicant	: Tetsuhide Takeyama	: DECISION ON REQUEST FOR
Patent Number	: 7589872	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/869,900	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/18/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1455** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

MAILED

AUG 21 2009

OFFICE OF PETITIONS

In re Application of :
Tomoyasu Yoshikawa et al :
Application No. 10/869,919 : DECISION ON PETITION
Filed: June 18, 2004 :
Attorney Docket No. 02910.000133. :

This is a decision on the petition, filed May 8, 2009, under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment and under 37 CFR 1.137(b), to revive the above-identified application.

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

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 December 11, 2008, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on March 12, 2009.

A Notice of Abandonment was mailed on April 6, 2009.

The issue fee and publication fee was received with petition on May 8, 2009.

Petitioner states "In this regard, that Issue Fee was not paid on its due date of March 11, 2009, because on that date Applicants undersigned counsel was informed in a telephone conference with the Examiner that the application was being withdrawn from issue. That imminent withdrawal was said to be based on prior art cited in an Information Disclosure Statement which was filed after issuance of the above-mentioned Notice of Allowance."

35 U.S.C. 133 Time for prosecuting application states "Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Director in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Director that such delay was unavoidable."

Therefore, whether or not the Applicants' undersigned counsel was informed with the Examiner that the application was being withdrawn from issue, it is the applicant's responsibility to either timely traverse or comply with the requirement. See 37 CFR 1.135.

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; (3) the required statement of unintentional delay have been received. Accordingly, the issue fee is accepted as having been unintentionally delayed.

37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Since the statement 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 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

NOV 16 2004
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PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:	Group Art Unit 1744 Spisich
DOUGLAS J. HOHLBEIN	Examiner: TBA
SERIAL NO.: 10/869,922	Attorney Docket NO.: 006427.00040
FILED: JUNE 18, 2004	Confirmation No. 8606
FOR: ORAL CARE IMPLEMENT	

PETITION GRANTED

William Krynski
Special Program Examiner
TC 1700
2-10-05

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. §1.102(d)
AND SUPPORTING INFORMATION DISCLOSURE STATEMENT

U.S. Patent and Trademark Office
220 20th Street S.
Customer Window
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Dear Sir:

Applicant hereby petitions the Commissioner to make the above-identified application special under 37 CFR § 1.102(d) and under the guidelines of MPEP § 708.02(VIII). Please charge the petition fee of $130.00 in accordance with 37 CFR §1.17(h) and any other fees that may be required for this Petition to Deposit Account No. 19-0733.

Pre-examination Searches

A pre-examination search was conducted by a professional searcher in April 2004. The search was conducted in the following class and subclasses: 15, subclasses 22.1, 110, 111, 114, 143.1 159.1, 160, 167.1, 167.2, 186, 207.2, Digest 5 and Digest 6; Class D4 and subclasses 101,104, 105, 106, 107, 108, 109, 111, 112; D606/161. The search was conducted using the U.S. Patent and Trademark Office Examiner Application Search Tool (EAST) database and

11/17/2004 [illegible] 00000088 190733 10869922
01 FC:1463 130.00 DA

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BANNER & WITCOFF, LTD.
1100 13th STREET, N.W.
SUITE 1200
WASHINGTON, DC 20005-4051

Mail Date: 04/21/2010

Applicant	: Vladimir V. Petunin	: DECISION ON REQUEST FOR
Patent Number	: 7587695	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/869,923	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/18/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **157** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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www.uspto.gov

BANNER & WITCOFF, LTD.
1100 13th STREET, N.W.
SUITE 1200
WASHINGTON, DC 20005-4051

Mail Date: 05/18/2010

Applicant : Vladimir V. Petunin
Patent Number : 7587695
Issue Date : 09/08/2009
Application No: 10/869,923
Filed : 06/18/2004

: 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 **190** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of patent term adjustment (PTA) days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days** from the mail date of this notice, whichever is longer, to file a request for reconsideration of this PTA calculation. See 35 U.S.C. § 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4).

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

Patentee should be aware that in order to preserve the right of review of the USPTO's PTA determination in the United States District Court for the District of Columbia, patentee must ensure that the steps required under 35 U.S.C. § 154 (b)(4) are taken in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. § 154(b)(4).

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Kramer & Amado, P.C.
1725 Duke Street
Suite 240
Alexandria, VA 22314

Mail Date: 04/20/2010

Applicant	: Allan Poulsen	: DECISION ON REQUEST FOR
Patent Number	: 7593401	: RECALCULATION of PATENT
Issue Date	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/869,939	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/18/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1460** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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ALEXANDRIA, VA 22313-1450
www.uspto.gov

CHARLES BRANTLEY
MICRON TECHNOLOGY, INC.
MS 1-525
8000 S FEDERAL WAY
BOISE, ID 83716

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NOV 25 2005
OFFICE OF PETITIONS

In re Application of
Troy A. Manning, et al.
Application No. 10/869,976
Filed: June 16, 2004
Attorney Docket No. 96-0813.05

ON PETITION

This is a decision on the petition under 37 CFR 1.313(c)(2), filed November 16, 2005 to withdraw the above-identified application from issue after payment of the issue fee.

It does not appear that the petition is signed by an attorney of record. However, in accordance with 37 CFR 1.34(a), the signature of Kevin K. Johnson appearing on the correspondence 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. However, if Mr. Johnson desires to receive correspondence regarding this file, the appropriate power of attorney documentation must be submitted. A courtesy copy of this decision is being mailed to Mr. Johnson, the petitioner herein. However, until otherwise instructed, all future correspondence regarding this application file will be directed solely to the above-noted correspondence address of record.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on July 5, 2005 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance. [1]

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

[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).

The application is being referred to Technology Center AU 2826 for further processing of the request for continued examination under 37 CFR 1.114.

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

cc: KEVIN K. JOHNSON
TRASK BRITT
P.O. BOX 2550
SALT LAKE CITY, UT 84110-2550

UNITED STATES 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 RAY & ASSOCIATES
2640 Pitcairn Road
Monroeville PA 15146

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SEP 2 0 2007

OFFICE OF PETITIONS

In re Application of :
Eric A. Reppermund :
Application No.: 10/869988 : DECISION ON
Filing or 371(c) Date: 06/17/2004 : PETITION
Attorney Docket Number: SFP 04116 :

This is a decision in response to the "Petition to Withdraw Holding of Abandonment," filed April 25, 2006. The petition is properly treated under 37 CFR 1.181(a). The delay in treating this petition is regretted.

This is **dismissed**.

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

The above-identified application became abandoned for failure to timely and properly reply to the Notice of Allowability, mailed July 28, 2005. The Notice set a non-extendable three (3) month period for reply. No reply having been received, the application became abandoned on October 29, 2005. A Notice of Abandonment was mailed November 29, 2005.

Applicant/Petitioner files the present petition and asserts that the Examiner stated in the Amendment/Comment enclosed with the Notice of Allowance, that "[w]hile the drawings filed with this application were acceptable for examination purposes, it is suggested that applicant submit formal drawings for printing." Applicant further avers that the Notice of Abandonment was not received, and that the Examiner also informed applicant in a telephone interview that the Formal drawings, which were submitted with the parent case, were acceptable in this case.

The Notice of Allowability

A review of the Notice of Allowability reveals that the Notice clearly required drawings. The Notice states: "CORRECTED DRAWINGS must be submitted."

Applicable Law, Rules and MPEP

The statute, 35 U.S.C. § 133, Time for prosecuting application, states

> Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Director in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Director that such delay was unavoidable.

This section of the statute is further clarified in Office rule, 37 CFR § 1.135, Abandonment for failure to reply within time period, which states

> (a) If an applicant of a patent application fails to reply within the time period provided under § 1.134 and § 1.136, the application will become abandoned unless an Office action indicates otherwise.
> (b) Prosecution of an application to save it from abandonment pursuant to paragraph (a) of this section must include such complete and proper reply as the condition of the application may require. The admission of, or refusal to admit, any amendment after final rejection or any amendment not responsive to the last action, or any related proceedings, will not operate to save the application from abandonment.

This section explains that the reply must be both complete and proper as the condition of the application may require.

Here, Applicant filed a reply on October 31, 2005, to with – the issue fee; however, corrected drawings were also required. Applicant failed to timely file corrected drawings. The application was properly abandoned.

Applicant asserts that he never received the Notice of Abandonment. Applicant is advised that the Notice of Abandonment is mailed as a courtesy, and that the application becomes abandoned by operation of law for failing to reply within the required period. Accord 35 U.S.C. § 133 (the application shall be regarded as abandoned). Further to this, the MPEP states:

> 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).

MPEP 711.03(c)(I)(A)

The failure to receive a Notice of Abandonment does not alter the abandoned status of the application.

As to Applicant/Petitioner's assertion, that the Examiner also informed applicant in a telephone interview that the Formal drawings, which were submitted with the parent case, were acceptable in this case, Petitioner is advised that there is no record of the interview in the application file. Petitioner is also directed to 37 CFR 1.2, which states:

> 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. (Emphasis supplied).

37 CFR 1.2

Accordingly, Petitioner's assertion that the Examiner also informed applicant in a telephone interview that the Formal drawings, which were submitted with the parent case, were acceptable in this case, is unsupported by the record. As the rule states,). "The action of the Patent and Trademark Office will be based exclusively on the written record in the Office." Id.

Conclusion

The evidence has been considered. Applicant has failed to demonstrate that withdrawing the holding of abandonment is appropriate. Accordingly, the application is properly held abandoned.

Alternative venue

Applicant may alternatively file a petition stating that the delay was unintentional. An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the required 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 can not 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 revive under 37 CFR 1.137(b).

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

By mail: Director for Patents
PO Box 1450
Alexandria, VA 22313-1450

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

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

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

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
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OFFICE OF PETITIONS

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

In re Application of :
Teppei Yokota, et al. :
Application No. 10/870,025 : ON PETITION
Filed: June 16, 2004 :
Attorney Docket No. 09812.0152-01000 :

This is a decision on the petition under 37 CFR 1.137(b) to revive the above-identified application, filed August 16, 2006.

The petition is **GRANTED**.

The application became abandoned for failure to pay the issue fee on or before June 13, 2006. A Notice of Abandonment was mailed July 26, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the requisite issue/publication fee; (2) the petition fee of $1,500; and (3) an adequate statement of unintentional delay[1].

The application is being referred to the Office of Publications to be processed into a patent.

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1] 37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Although the statement contained in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement will be construed as the statement required by 37 CFR 1.137(b)(3). Petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the instant petition.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/870,044	06/18/2004	Christopher C. Chang	015290-883	8935

21839 7590 06/11/2009

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

EXAMINER	
BAREFORD, KATHERINE A	
ART UNIT	PAPER NUMBER
1792	

NOTIFICATION DATE	DELIVERY MODE
06/11/2009	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):

ADIPFDD@bipc.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

Mailed : JUN 10 2009

In re Application of
Christopher et al.
Serial No. 10/870,044
Filed: June 18, 2004
For: Low Contamination Plasma Chamber Components And Methods For Making The Same

DECISION ON PETITION

This is a decision on Applicants' request for entry of the Appeal Brief under 37 C.F.R. 1.181 filed on April 28, 2009.

Appellants filed an Appeal Brief on January 15, 2009. The Appeal Brief was denied entry because Appellants cited additional parts of "Thermal Spraying Practice, Theory, and Application" than relied on by the Examiner in paragraphs 13, 14, 15 and 16 of the Final Official Action dated April 14, 2008.

A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984).

37 CFR 41.37(c) (2), cited by the Examiner, is intended to prohibit new evidence (e.g., affidavit under 1.131 and 1.132) that was not previously presented and entered. Applicant did not attempt to introduce a new reference, but merely use the same reference to rebut the Examiner's rejection.

DECISION

The petition is **GRANTED**.

The Examiner is directed to enter the Reply Brief and to also make the rest of the reference (at least up to and including page 144) on the record in PTO Form 892.

/Gregory L Mills/
Gregory L. Mills, Acting Director
Technology Center 1700
Chemical and Materials Engineering

Peter K. Skiff
BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA VA 22313-1404

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JACK Q. LEVER JR.
MCDERMOTT WILL & EMERY LLP
600 THIRTEENTH STREET, N.W.
WASHINGTON, DC 20005-3096

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JAN 30 2008

OFFICE OF PETITIONS

In re Application of :
Kazuhiko Yamanaka et al :
Application No. 10/870,055 : ON PETITION
Filed: June 18, 2004 :
Attorney Docket No. 60188-905

This is a decision on the petition, filed January 28, 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 January 16, 2008 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This matter is being referred to Technology Center AU 2627 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

Irvin Dingle
Petitions Examiner
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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JACK Q. LEVER JR.
MCDERMOTT WILL & EMERY LLP
600 THIRTEENTH STREET, N.W.
WASHINGTON, DC 20005-3096

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McDermott Will & Emery LLP
DC Office

ON PETITION

In re Application of
Kazuhiko Yamanaka et al
Application No. 10/870,055
Filed: June 18, 2004
Attorney Docket No. 60188-905

This is a decision on the petition, filed January 28, 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 January 16, 2008 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This matter is being referred to Technology Center AU 2627 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

Irvin Dingle
Petitions Examiner
Office of Petitions

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

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DIW 12-04

LADAS & PARRY LLP
26 WEST 61st STREET
NEW YORK NY 10023

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DEC 14 2004

OFFICE OF PETITIONS

In re Application of	:	
Srinivasan, Palanichamy,	:	DECISION REFUSING STATUS
Thyagarajan, Krishnan, Ramaiyer,	:	UNDER 37 CFR 1.47(a)
and Christian	:	
Application No. 10/870,078	:	
Filed: 17 June, 2004	:	
Atty Docket No. U 0151257-2	:	

This is in response to the petition filed under 37 CFR 1.47(a) on 15 November, 2004.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Extensions of time may be obtained in accordance with 37 CFR 1.136(a).

The above-identified application was filed on 17 June, 2004, without an executed oath or declaration. Accordingly, on 4 August, 2004, a Notice to File Missing Parts of Nonprovisional Application was mailed, requiring the statutory basic filing fee, an executed oath or declaration, and a surcharge for their late filing. A two (2)-month period for reply was set.

In response, on 15 November, 2004, petitioners filed a two (2) month extension of time accompanied by the statutory basic filing fee, the present petition, and a declaration naming Chitra Srinivasan, Kalyani Palanichamy, Mohan Thyagarajan, Gopalakrishnan Krishnan, Gangadharan Ramiyer, and Julien Christian as joint inventors and signed by all inventors except

Mohan and Christian on behalf of themselves and joint inventors Mohan and Christian.

Petitioners assert that joint inventors Mohan and Christian cannot be found.

A grantable petition under 37 CFR 1.47(a) requires:

(1) proof that the non-signing inventor cannot be reached or located, notwithstanding diligent effort, or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);

(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;

(3) the petition fee;

(4) a surcharge of $130 or $65 (small entity) if the petition and/or declaration is not filed at the time of filing the application, and

(5) a statement of the last known address of the non-signing inventor.

The petition lacks items (1) and (5).

In regards to item (1), petitioners have not shown that joint inventors Mohan and Christian were sent or presented with a copy of the application as filed (specification, including claims, drawings, if any, and the declaration).[1]

Petitioners may show proof that a copy of the application was sent or given to the non-signing inventors for review by providing a copy of the cover letter transmitting the application papers (specification, including claims, drawings, if any, and the declaration) to the non-signing inventors or details given in an affidavit or declaration of facts by a person having first-hand knowledge of the details.

If the application is returned as undeliverable, petitioners should present a copy of the envelope showing that the application sent to the last known address of the non-signing inventors was returned as undeliverable by the post office.

Likewise, before a *bona fide* refusal to sign the declaration can be alleged, petitioners must show that a copy of the application was sent or given to the inventors. If the inventors refuse in writing, petitioners must submit a copy of that written refusal

[1] MPEP 409.03(d).

with any renewed petition. If the refusal was made orally to a person, then that person must provide details of the refusal in an affidavit or declaration of fact.

With regards to item (5), it is unclear whether the addresses presented on the declaration for the non-signing inventors are their last known addresses. The last known address is that address at which the inventor customarily receives mail.[2] Ordinarily, the last known address will be the last known residence of the non-signing inventor.[3] If a different last known address is determined for one or more of the joint inventors, that address should be provided with any 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 FAX: (703) 872-9306
Attn: Office of Petitions

By hand: U.S. Patent and Trademark Office
220 20th Street S.
Customer Window, Mail Stop Petition
Crystal Plaza 2, Lobby, Room 1B03
Arlington, VA 22202

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

---

[2] See MPEP 605.03.

[3] MPEP 409.03(e).

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: X

DATE : June 06, 2008

TO SPE OF : ART UNIT 2841

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/870095 Patent No.: 7349223 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 [illegible] 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.

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

Comments: The "PCT Patent Application Serial No. PCT/US00/21012 filed on July 27 2000; and from PCT Patent Application Serial No. PCT/US00/14164 filed on May 23, 2000" does indeed announced on the first page of the Specification filed on 6/14/07.

Formatted: Indent: Left: 1.22"

PTOL-306 (REV. 7/03) U.S. DEPARTMENT OF COMMERCE 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

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

COPY MAILED

MAR 24 2008

OFFICE OF PETITIONS

In re Application of :
Codd, et al. :
Application No. 10/870,103 : DECISION ON PETITION
Filed: June 17, 2004 :
Attorney Docket No. ORT-1642DIV1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 28, 2008, to revive the above-identified application.

The petition is GRANTED.

The application became abandoned October 18, 2007. The non-final Office action mailed July 17, 2007 set a three month shortened statutory period of time for reply. No petition for extension of time was timely received. Notice of Abandonment was mailed February 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 an amendment, (2) the required petition fee, and (3) a proper statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See* In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $1,050.00 extension of time fee submitted with the petition on February 28, 2008 was subsequent to the maximum extendable period for reply, petitioner may request a refund of this fee by writing to the following address: Mail Stop 16, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450. A copy of this decision should accompany petitioner's request.

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

This application is being referred to Technology Center AU 1617 for appropriate action by the Examiner in the normal course of business on the reply received February 28, 2008

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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JUN 10 2009

OFFICE OF PETITIONS

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

In re Application of Codd et al. :
Application No. 10/870,103 : Decision on Petition
Filing Date: June 17, 2004 :
Attorney Docket No. ORT 1642USDIV1 :

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

The petition is **granted**.

The above-identified application became abandoned for failure to reply in a timely manner to the final Office action mailed July 16, 2008, which set a shortened statutory period for reply of three (3) months. An extension of time under the provisions of 37 CFR 1.136(a) was not obtained. Accordingly, the above-identified application became abandoned on October 17, 2008. A Notice of Abandonment was mailed on January 23, 2009.

The instant petition requests revival of the application. A grantable petition under 37 CFR 1.137(b) filed for a utility application filed after June 8, 1995, must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed,
(2) The petition fee, and
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

Petitioner has submitted a reply to the final Office action in the form of a Notice of Appeal and Terminal Disclaimer. Petitioner has submitted the required petition fee of $1,620. 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.

The Notice of Appeal filed April 13, 2009, has been entered and made of record. Accordingly, the 2-month period for filing the appeal brief, in triplicate, accompanied by the fee required by law, runs from the date of this decision.

Technology Center Art Unit 1617 will be informed of the instant decision and the application will be further examined in due course.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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
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INTELLECTUAL PROPERTY / TECHNOLOGY LAW
PO BOX 14329
RESEARCH TRIANGLE PARK, NC 27709

Mail Date: 04/21/2010

Applicant	: Ziyun Wang	: DECISION ON REQUEST FOR
Patent Number	: 7601860	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/870,106	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/17/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **434** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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AUG 2 2 2006

OFFICE OF PETITIONS

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

In re Application of :
Ingmar HOERR et al. :
Application No. 10/870,110 : DECISION ON PETITION
Filed: June 18, 2004 : TO WITHDRAW
Attorney Docket No. 1708.006US1 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 5, 2006.

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

A review of the file record indicates that the power of attorney to Monique M. Perdok Shonka has been revoked by the assignee of the patent application on June 21,2006. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Amelia Au
Petitions Examiner
Office of Petitions

cc: Foley & Lardner LLP
111 Huntington Avenue
Boston, MA 02199

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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FOLEY & LARDNER LLP
111 HUNTINGTON AVENUE, 26TH FLOOR
BOSTON, MA 02199

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AUG 0 2 2007

OFFICE OF PETITIONS

In re Application of :
HOERR, et al. :
Application No. 10/870,110 : DECISION ON PETITION
Filed: June 18, 2004 : TO WITHDRAW
Attorney Docket No. 22122-00011-US : FROM RECORD
:

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 23, 2007.

The request is **NOT APPROVED** as 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 February 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 571-272-7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **CONNOLLY BOVE LODGE & HUTZ LLP**
1875 EYE STREET NW, SUITE 1100
WASHINGTON DC 20036

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SHLESINGER, ARKWRIGHT & GARVEY LLP
1420 KING STREET
SUITE 600
ALEXANDRIA VA 22314

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MAR 2 1 2006

OFFICE OF PETITIONS

In re Application of :
Katz :
Application No. 10/870,118 : Decision on
Filed: June 18, 2004 : Request to Enter
For: INLINE MANUFACTURED : Nonpublication Request
CROSSFOLD PACKAGE AND METHOD :

This is a decision in response to the "Petition Under 37 CFR 1.181 For Entry of Timely Filed Non-Publication Request Filed June 18, 2004 and Petition for Deletion of Published Application From Official U.S. Patent and Trademark Office Electronic Database and Request for Rescinding Publication Fee Assessed Against Applicant" received on March 18, 2005 and pursuant to a telephone interview with applicant's representative Mr. Terrence Brown on March 9, 2006.

The petition is granted-in-part.

In support of the petition, applicant submitted a copy of their stamped post card receipt. Applicants' stamped post card receipt acknowledges receipt in the United States Patent and Trademark Office on June 18, 2004 of inter alia, a nonpublication request under 35 U.S.C. 122(b)(B)(i). The evidence has been considered and it is persuasive that a nonpublication request was filed on June 18, 2004.

Pursuant to the telephone conversation with applicant's representative, the publication will not be withdrawn.

The above-identified application has been published due to a processing error. Publication of this application was not provided for under 35 U.S.C. § 122(b). Accordingly, no publication fee will be required if the above-identified application is allowed.

If a Notice of Publication Fee Due (or a Notice of Allowance that requires a publication fee) is received by the applicant, applicant may submit a reply to the Notice stating that no publication fee is due because the application was published in error. The reply should be accompanied by a copy of this Letter.

Telephone inquiries with regard to this communication should be directed to Mark Polutta at (571) 272-7709.

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
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Josh Hogan
620 Kingswood Way
Los Altos CA 94022

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OFFICE OF PETITIONS

In re Application of :
Hogan, Josh :
Application No. 10/870,120 : DECISION ON PETITION
Filed: June 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 19, 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).

Deborah Neville, the sole attorney of record, signed the request.

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

The correspondence address of record remains unchanged.

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

Denise Pothier
Petitions Examiner
Office of Petitions

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Josh Hogan
620 Kingswood Way
Los Altos, CA 94022

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SEP 25 2007

OFFICE OF PETITIONS

In re Application of

Josh N. Hogan

Application No. 10/870,121

Filed: June 17, 2004

Attorney Docket No.

: DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed September 8, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The above-cited application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed February 24, 2006, which set a shortened statutory period for reply of three (3) months from its mailing date. A Notice of Abandonment was mailed on September 22, 2006.

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

The amendment filed September 8, 2007, is noted.

The application is being forwarded to Technology Center 3700, GAU 3768 for further processing.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : January 23, 2007

TO SPE OF : ART UNIT 2627

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/870139 Patent No.: 7088649 B2

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

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

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

Elisha Evans

Certificates of Correction Branch

703-308-9390 ext. *110*

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

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

Comments: _____

_____

_____

_____

_____

William Korzuch — **SPE**

2627 — **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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Paper No.

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

COPY MAILED

DEC 22 2008

OFFICE OF PETITIONS

In re Patent No. 7,338,191	:	
Isao Konno et al.	:	
Issue Date: March 4, 2008	:	LETTER REGARDING
Application No. 10/870,151	:	PATENT TERM ADJUSTMENT
Filed: June 18, 2004	:	and
Attorney Docket No. 040302-0403	:	NOTICE OF INTENT TO ISSUE
Title: METHOD AND STRUCTURE FOR POSITIONING HEADLAMP ON VEHICLE BODY	:	CERTIFICATE OF CORRECTION

This is in response to the LETTER (UNDER A GENERAL OBLIGATION OF CANDOR AND GOOD FAITH IN PRACTICE BEFORE THE OFFICE) filed November 15, 2007. Pursuant to their duty of good faith and candor to the Office, then applicants disclosed that the patent term adjustment at the time of the mailing of the notice of allowance should be seventy (70) days, not seventy-one (71) days.

This also responds to the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(d)," filed April 22, 2008. Patentees request that the patent term adjustment indicated on the patent be corrected from eighty-seven (87) days to one hundred and ninety-seven (197) days.

The request for review of the patent term adjustment at the time of the mailing of the notice of allowance is **GRANTED**.

applicants for their good faith and candor in bringing this to the attention of the Office.

Moreover, as asserted by patentee, the Office entered the candor letter of November 15, 2007 as a "miscellaneous incoming letter" and erroneously assigned this application 111 days of Applicant delay accordingly. Patentee has correctly asserted "*[a] Letter of Candor and Good Faith bringing to the PTO attention an error on their behalf should not reduce the Patent Term Adjustment* (emphasis included)."

37 C.F.R. § 1.704(e) provides that:

> Submission of an application for patent term adjustment under § 1.705(b) (with or without request under § 1.705(c) for reinstatement of reduced patent term adjustment) will not be considered a failure to engage in reasonable efforts to conclude prosecution (processing or examination) of the application under paragraph (c)(10) of this section.

Accordingly, the period of reduction of 111 days is not warranted and is being removed.

The proper period of adjustment due to Office delay is 260 days. The proper period of reduction due to applicant delay is 63 days, whereas the Office improperly calculated a delay of 173 days.

In view thereof, the patent should have issued with a revised patent term adjustment of 197 days.

As the request for reconsideration of patent term adjustment filed April 22, 2008, is solely directed to the reduction entered for the no-fee candor letter, the Office will not assess the $200.00 fee under 37 CFR 1.18(e).

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 197 days.

The request for reconsideration of the patent term adjustment indicated in the patent 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 one hundred ninety-seven **(197)** days.

On March 4, 2008, the above-identified application matured into U.S. Patent No. 7,338,191, with a revised Patent Term Adjustment of 87 days. The patent term adjustment of 71 days indicated on the notice of allowance was increased by 127 days of Office delay in issuance of the patent but decreased by 111 days for applicant delay in filing the letter regarding patent term adjustment on November 15, 2007.

First, of all, applicants' disclosure that the patent term adjustment at time of the mailing of the notice of allowance should be reduced by 1 day to 70 days is correct. Pursuant to 37 C.F.R. § 1.704(b), "an applicant shall be deemed to have failed to engage in reasonable efforts to conclude processing or examination of an application for the cumulative total of any periods of time in excess of three months that are taken to reply to any notice or action by the Office making any rejection, objection, argument, or other request."

A non-final rejection was mailed on November 30, 2006, and a response was received on March 30, 2007, which constitutes a delay of 30 days. As Patentee indicated in the candor letter of November 15, 2007, the Office incorrectly entered a date of March 29, 2007 when making the Patent Term Adjustment calculation, resulting in an erroneous finding of 29 days of Applicant delay associated with the response to the non-final Office action. Accordingly, an additional period of 1 day to correct applicant delay pursuant to 37 C.F.R. § 1.704(b) is being entered.

Correcting this error, the correct patent term adjustment at the time of mailing of the notice of allowance is reduced by 1 day to 70 days.

As this letter was submitted as an advisement to the Office of an error in then applicants' favor, the Office will not assess the $200.00 fee under 37 CFR 1.18(e). The Office thanks

Telephone inquiries specific to this matter should be directed to Senior Attorney Paul Shanoski (571) 272-3225.

Nancy Johnson
Senior Petitions Attorney
Office of Petition

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

DRAFT CERTIFICATE OF CORRECTION

PATENT : 7,338,191 B2

DATED : March 4, 2008

INVENTOR(S) : Konno 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 87 days

Delete the phrase "by 87" and insert – by 197 days--

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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ExxonMobil Chemical Company
Law Technology
P.O. Box 2149
Baytown, TX 77522-2149

Mail Date: 05/10/2010

Applicant	: Cor F. Van Egmond	: DECISION ON REQUEST FOR
Patent Number	: 7626067	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 10/870,185	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/17/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **887** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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MAILED

MAY 24 2010

OFFICE OF PETITIONS

Annette S. Parent, Esq.
Townsend and Townsend and Crew LLP
Two Embarcadero Center, Eighth Floor
San Francisco CA 94111

In re Application of	:	
Cai-Zhong Jiang et al.	:	
Application No. 10/870,198	:	DECISION ON PETITION
Filed: June 16, 2004	:	TO WITHDRAW
Attorney Docket No. MBI-0068CIP	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 26, 2010.

The request is **APPROVED**.

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

The request was signed by Michael R. Ward on behalf of all attorneys/agents associated with customer number 47550. 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/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Mendel Biotechnology, Inc.
3935 Point Eden Way
Hayward, CA 94545-3720

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/870,198	06/16/2004	Cai-Zhong Jiang	MBI-0068CIP

CONFIRMATION NO. 8670

POWER OF ATTORNEY NOTICE

90959
Annette S. Parent, Esq.
Townsend and Townsend and Crew LLP
Two Embarcadero Center, Eighth Floor
San Francisco, CA 94111

OC000000041751736

Date Mailed: 05/24/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/26/2010.

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

/kainabinet/

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

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JAN 29 2010

OFFICE OF PETITIONS

In re Application of	:	
Marc S. Freed	:	
Application No. 10/870,204	:	DECISION ON PETITION
Filed: June 17, 2004	:	
Attorney Docket No. 2326.005	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 3, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Examiner's Communication mailed, April 1, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on July 2, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a written response under 37 C.F.R. Section 1.105, (2) the petition fee of $810, and (3) a proper statement of unintentional delay.

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

This application is being referred to Technology Center AU 3693 for appropriate action by the Examiner in the normal course of business on the reply received.

Terri Johnson
Petitions Examiner
Office of Petitions

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WALL & TONG, LLP/
ALCATEL-LUCENT USA INC.
25 James Way
Eatontown, NJ 07724

Mail Date: 07/26/2010

Applicant	: Govinda N. Rajan	: DECISION ON REQUEST FOR
Patent Number	: 7646729	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 10/870,217	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/17/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1124** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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Two Embarcadero Center
Eighth Floor
San Francisco, CA 94111-3834

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MAY 04 2009

OFFICE OF PETITIONS

In re Application of	:	
Alwin Chan et al.	:	
Application No. 10/870,310	:	DECISION ON PETITION
Filed: June 16, 2004	:	TO WITHDRAW
Attorney Docket No. 017887-013610US	:	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 25, 2005.

The request is **moot because a revocation of power of attorney has been filed**.

A review of the file record indicates that the power of attorney to Philip H. Albert and all attorneys/agents of record have been revoked by the assignee of the patent application on November 15, 2005. 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: Yahoo
c/o Mofo Palo Alto
755 Page Mill Road
Palo Alto, CA 94304

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OFFICE OF PETITIONS

In re Application of	:	
Chan et al.	:	DECISION ON PETITION
Application No. 10/870,310	:	TO WITHDRAW
Filed: June 16, 2004	:	FROM RECORD
Attorney Docket No. 324212008800	:	

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 22, 2010.

The request is **NOT APPROVED**.

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

The request was signed by Robert A. Saltzberg on behalf of all attorneys of record associated with Customer Number 76102. The request cannot be approved since all practitioners of record were not appointed by Customer Number 76102. Accordingly, since the practitioners were appointed by a Customer Number upon filing of the instant application, the Request must reflect withdrawal of practitioners associated with the same Customer Number.

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

Currently, there is an outstanding Office action mailed March 16, 2010 that requires a reply.

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

Joan Olszewski
Petitions Examiner
Office of Petitions

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345 PARK AVE
NEW YORK NY 10154

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AUG 07 2006

OFFICE OF PETITIONS

In re Application of	:	
Sugioka, et al.	:	
Application No. 10/870,315	:	ON PETITION
Filed: June 17, 2004	:	
Attorney Docket No. 5000-5186	:	

This is a decision on the petition to revive under 37 CFR 1.137(b), filed April 25, 2006.

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 non-final Office action mailed August 24, 2005. This Office action set a shortened statutory period for reply of three (3) months. No extensions of time under 37 CFR 1.136(a) were obtained. No reply having been received, the above identified application became abandoned on November 25, 2005. A Notice of Abandonment was mailed on April 7, 2006.

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

Receipt of the $1,500 petition fee is acknowledged.

The matter is being forwarded to Group Art Unit 3745 for consideration of the amendment filed April 25, 2006.

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

Cliff Congo
Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

In re Application of :
Wagener :
Application No. 10/870,326 :
Filed: June 17, 2004 :
Attorney Docket No. 2060/1 C2 :
For: RECONFIGURABLE OPTICAL SWITCH

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed April 25, 2006 (certificate of mailing date April 19, 2006), to revive the above-identified application.

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

This application became abandoned for failure to timely reply to the Notice to File Missing Parts of Application mailed August 4, 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 reply being received in the Office, this application became abandoned on October 5, 2004. A Notice of Abandonment was mailed on April 21, 2005.

Applicant has submitted a proper reply to the August 4, 2004 Notice in the form of filing fees, an executed declaration, surcharge, and replacement drawings, an acceptable statement of the unintentional nature of the delay in responding to the August 4, 2004 Notice, and the petition fee. Accordingly, the petition under 37 CFR 1.137(b) is granted

After the mailing of this decision, the file will be 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.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

In re Application of :
Wagener, et al. :
Application No. 10/870,326 : ON PETITION
Filed: June 17, 2004 :
Attorney Docket No. 2060/1 C2 :
For: RECONFIGURABLE OPTICAL SWITCH

This is a decision on the request that the Office withdraw the holding of abandonment of the above-identified application. The request was filed on September 13, 2007 and will be treated as a feeless petition under 37 CFR 1.181.

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

This application was held abandoned for failure to respond in a timely manner to the final Office action, mailed January 23, 2007, which set forth an extendable three (3) month period for reply. The Office contended that this application became abandoned on April 24, 2007 for failure to reply to the January 23, 2007 final Office action. A Notice of Abandonment was mailed on July 31, 2007.

Petitioners request withdrawal of the holding of abandonment based on the assertion that a Notice of Appeal that included an authorization to charge any required extension of time was mailed to the Office on certificate of mailing date July 23, 2007. The undersigned finds this argument completely convincing, as the document at issue was received in the Office on July 26, 2007. It is noted that the document at issue contains a proper Rule 1.8 certification that the correspondence was mailed on July 23, 2007. Furthermore, Office financial records show that the required three month extension of time fee and the required Notice of Appeal fee were charged on accounting date July 26, 2007. Therefore, a proper reply to the January 23, 2007 final Office action was timely filed.

The petition under 37 CFR 1.181 is **granted**, the holding of abandonment is withdrawn, and the July 31, 2007 Notice of Abandonment is **vacated**.

Regarding finances, no petition fee has been or will be charged in connection with this matter. However, the Office erroneously charged a second three month extension of time when the present petition, along with a copy of the previously filed Notice of Appeal, was filed. The second three month extension of time will be refunded to petitioners' deposit account.

After the mailing of this decision, the application file will be returned to Technology Center A.U. 2874 for consideration of the RCE and amendment, filed on October 24, 2007.

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

Shirene Willis Brantley

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

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OFFICE OF PETITIONS

In re Application of

EVANGELIDES, Stephen et al.
Application No. 10/870,327
Filed: June 17, 2004
Attorney Docket No. **9005/35**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 18, 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, (matter was transferred to another firm, assignee's request), 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 Michelle R. Eason at 571-272- 4231.

Terri Williams
Petitions Examiner
Office of Petitions

cc: **CHOATE, HALL & STEWART LLP**
TWO INTERNATIONAL PLACE
BOSTON, MA 02110

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OFFICE OF PETITIONS

In re Application of :
EVANGELIDES JR., Stephen G. et al. :
Application No. 10/870,327 : DECISION ON PETITION
Filed: June 17, 2004 : TO WITHDRAW
Attorney Docket No. **21701/0211977-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 March 31, 2009.

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

A review of the file record indicates that the power of attorney to Choate, Hall & Stewart LLP has been revoked by the assignee of the patent application on April 10, 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 Michelle R. Eason at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **DARBY & DARBY P.C.**
P.O. BOX 770
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NEW YORK NY 10008-0770

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OFFICE OF PETITIONS

In re Application of :
Arm Salahieh et al :
Application No. 10/870,340 : ON PETITION
Filed: June 16, 2004 :
Attorney Docket No. 30207-710.201 :

This is a decision on the petition under 37 CFR 1.182, filed September 29, 2005, to change the order of the names of the inventors.

The petition is **Granted**.

A corrected Filing Receipt with the desired order of the names of the inventors accompanies this decision on petition.

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

This matter is being referred to Technology Center AU 3738.

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

ATTACHMENT: CORRECTED FILING RECEIPT

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ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK, NJ 08933-7003

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OFFICE OF PETITIONS

In re Application of :
Sean P. Conlon :
Application No. 10/870,349 : ON PETITION
Filed: June 16, 2004 :
Attorney Docket No. END5350 :

This is a decision on the petition under 37 CFR 1.137(b), filed May 9, 2006, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed September 21, 2005, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on December 22, 2005.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the $1020 extension of time submitted with petition on May 9, 2006 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

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

This matter is being referred to Technology Center AU 3734 for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

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PITTSFIELD MA 01201-3697

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JUN 08 2010

OFFICE OF PETITIONS

In re Application of :
Ganesan et al. :
Application No. 10/870,353 : DECISION ON PETITION
Filed: June 16, 2004 :
Attorney Docket No. 138621-1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 5, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely submit the issue and publication fees, as required by the Notice of Allowance and Fee (s) Due, which was mailed October 2, 2009. The Notice of Allowance and Fee (s) Due and the Notice of Allowability set a three (3) month statutory period for reply. Extensions of time were not available under the provisions of 37 CFR 1.136(a). Accordingly, this application became abandoned on January 3, 2010. A Notice of Abandonment was mailed on January 27, 2010.

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 $1510 issue and publication fees of $300, (2) the petition fee of $1620; 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 the Office of Data Management for further processing.

Charlema Grant
Petitions Attorney
Office of Petitions

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DALLAS TX 75265

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OFFICE OF PETITIONS

In re Application of :
Sadra et al. :
Application No. 10/870,355 : DECISION ON PETITION
Filed: June 17, 2004 :
Attorney Docket No. TI-36501 :

This is a decision on the petition under the unavoidable provisions of 37 CFR 1.137(a), filed February 2, 2007, to revive the above-identified application. Petitioner has requested that this petition also be considered under 37 CFR 1.137(b).

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

This application became abandoned for failure to timely submit the issue and publication fees, as required by the Notice of Allowance and Fee (s) Due and submit corrected drawings, as required by the Notice of Allowability both of which were mailed March 7, 2006. The Notice of Allowance and Fee (s) Due and the Notice of Allowability set a three (3) month statutory period for reply. Extensions of time were not available under the provisions of 37 CFR 1.136(a). A Supplemental Notice of Allowability was mailed on January 24, 2007. Accordingly, this application became abandoned on June 6, 2006. A Notice of Abandonment was mailed on February 5, 2007.

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).

The Office may revive an abandoned application if the delay in responding to the relevant outstanding office requirement is shown to the satisfaction of the Director to have been "avoidable." See, 37 CFR 1.137(a)(3). Decisions on reviving abandoned applications have adopted the reasonably prudent person standard in determining if the delay was unavoidable. Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (Comm'r Pat. 1887) (the term "unavoidable" is applicable to ordinary human affairs, and requires no more greater care or diligence than is

generally used and observed by prudent and careful men in relation to their most important business."); In re Mattullath, 38 App. D.C. 497, 514-15 (D.C. Cir. 1912); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (Comm'r Pat. 1913). In addition, decisions on revival are made on a "case by case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). A petition to revive an application as unavoidably abandoned cannot be granted where petitioner has failed to meet his or her burden of establishing the cause of the unavoidable delay. Haines v. Quigg, 673 F. Supp. 314, 5 USPQ2D 1130 (N.D. Ind. 1987).

The showing required to establish non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. *See* MPEP 711.03(c), under the subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action;" and 1156 Off. Gaz. Pat. Office 53 (November 16, 1993).

Petitioner has failed to provide any evidence to establish non receipt of the Notice of Allowance and Notice of Allowability.

Petition to Revive Under 37 CFR 1.137(b)

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by the required reply, the required petition fee, and a statement that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional. The filing of a petition under 37 C.F.R. § 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 C.F.R. § 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 C.F.R. § 1.137(b).

Pursuant to petitioner's request deposit 20-0668 will be charged the $1500.00 petition fee.

The requirements for a grantable petition under 37 CFR §1.137(b) have been met. This petition is hereby **Granted**.

In light of the submission of the issue and publication fees as well as drawings, the application is being referred to the Office of Patent Publication.

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

Charlema Grant
Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

In re Application of :
Salvatore John Giunta :
Application No. 10/870,397 : DECISION ON PETITION
Filed: June 17, 2004 :
Attorney Docket No. 220-009us :

This is a decision on the petition under the unavoidable provisions of 37 CFR 1.137(a), filed September 3, 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.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, August 8, 2007, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 9, 2007.

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).

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

> The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.

In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

The showing of record is 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.

Specifically, the application is "unavoidably" abandoned where petitioner, or counsel for petitioner, takes all action necessary for a proper response to the outstanding Office action, but through the intervention of unforeseen circumstances, such as failure of mail, telegraph, telefacsimile, or the negligence of otherwise reliable employees, the response is not timely received in the Office.

35 U.S.C. 133 and 151 each require a showing that the "delay" was "unavoidable," which requires not only a showing that the delay which resulted in the abandonment of the application was unavoidable, but also a showing of unavoidable delay until the filing of a petition to revive. See In re Application of Takao, 17 USPQ2d 1155 (Comm'r Pat. 1990). The burden of continuing the process of presenting a grantable petition in a timely manner likewise remains with the applicant until the applicant is informed that the petition is granted. Id. at 1158. Thus, an applicant seeking to revive an "unavoidably" abandoned application must cause a petition under 37 CFR 1.137(a) to be filed without delay (i.e., promptly upon becoming notified, or otherwise becoming aware, of the abandonment of the application).

Therefore, there are three periods to be considered during the evaluation of a petition under 37 CFR 1.137:

(1) the delay in reply that originally resulted in the abandonment;

(2) the delay in filing an initial petition pursuant to 37 CFR 1.137 to revive the application; and

(3) the delay in filing a grantable petition pursuant to 37 CFR 1.137 to revive the application.

Currently, the delay has not been shown to the satisfaction of the Director to be unavoidable for periods (1) and (2).

Petitioner asserts that the delay in filing a proper reply was caused by the financial condition of the applicant.

A showing of unavoidable delay based upon financial hardship must establish that the financial condition of the petitioner during the entire period of the delay was such as to excuse the delay. See Ex parte Murray, 1891 Dec. Comm'r pat. 130, 131 (1891). A complete showing, with supporting documentation, is required of the financial condition of the applicant or the party responsible for timely prosecution of the instant application. Such a showing should include all income, expenses, assets, credit and obligations, which caused the financial condition of the applicant during each of the above three periods to delay the filing a proper reply. A monthly breakdown is preferred. In essence, the applicant must show that he was aware of the need to file a proper and timely response, and to that end was attempting to do so, but when the response was due, was financially unable to have the response filed until the filing of a grantable petition. The showing should include documentary proof of applicant's financial condition. Unfortunately, the applicant has not made such a showing addressing each of the three periods, and therefore has not established to the satisfaction of the Director that the delay was unavoidable due to financial hardship.

In support of petitioner's assertion of financial hardship the petitioner has submitted two documents - a statement from the applicant and a copy of notice related to foreclosure on applicant's property. While these two documents are indicative of financial difficulties that the applicant faced, they fail to establish a nexus to the delay during each of the above three periods. Petitioner needs to provide copies of bank statements, tax returns, expenses, assets, credit and obligations in order to establish financial hardship. Without such an accounting it would not be possible to establish financial hardship. Moreover, the reply that was due to the outstanding Office action of August 8, 2007, could have been filed without payment of any fees to the Office at any time during the three month period ending on November 8, 2007.

Under the circumstances, petitioner has not carried his burden of proof to show that the delay was unavoidable as required by statute and by regulations of the Office. Petitioner is reminded that a petition to revive an application under 37 CFR 1.137(a) cannot be granted where a petitioner has failed to meet his burden of establishing unavoidable delay within the meaning of 35 U.S.C. § 133 and 37 CFR 1.137(a). Haines v. Quigg, *supra.*

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 under 37 CFR 1.137(b) stating that the delay was unintentional. 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)(II)(C) and (D). An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the $1,620 petition fee or the $ 810 petition fee if the applicant qualifies as a small entity.

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 Ramesh Krishnamurthy at (571) 272-4914.

David Bucci
Petitions Examiner
Office of Petitions

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

DEMONT & BREYER, LLC
100 COMMONS WAY, Ste. 250
HOLMDEL NJ 07733

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APR 14 2009

OFFICE OF PETITIONS

In re Application of :
Salvatore John Guinta :
Application No. 10/870,397 : DECISION ON PETITION
Filed: June 17, 2004 :
Attorney Docket No. 220-009US :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 5, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, August 8, 2007, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 9, 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 $810, and (3) a proper statement of unintentional delay. Accordingly, the response to the non-final Office action mailed, August 8, 2007, is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272 4914.

This application is being referred to Technology Center AU 3643 for appropriate action by the Examiner in the normal course of business on the reply received

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

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

Testa, Hurwitz & Thibeault, LLP
High Street Tower
125 High Street
Boston, MA 02110

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JUN 0 5 2005

Technology Center 2100

In re Application of:
Salleh DIAB
Application No.: 10/870,406
Filed: June 17, 2004
For: ENHANCING OBJECT-ORIENTED PROGRAMMING THROUGH TABLES

DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the petition under 37 C.F.R. § 1.102(c) and M.P.E.P. § 708.02, Section IV: Applicant's Age, filed June 17, 2004 to make the above-identified application special.

A grantable petition to make special under 37 C.F.R. § 1.102(c) and in accordance with M.P.E.P. § 708.02, Section IV must include a showing, as by a birth certificate or the applicant's statement, that the applicant is sixty five (65) years of age or more. No fee is required for this petition.

The petition includes a statement that the applicant, Salleh Diab, is over sixty five (65) years of age.

Accordingly, the petition is GRANTED. The application is being forwarded to the examiner for expedite prosecution.

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

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Testa, Hurwitz & Thibeault, LLP
High Street Tower
125 High Street
Boston, MA 02110

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MAY 3 1 2005

Technology Center 2100

In re Application of:
Salleh DIAB
Application No.: 10/870,407
Filed: June 17, 2004
For: TABLE-ORIENTED APPLICATION DEVELOPMENT ENVIRONMENT

DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the petition under 37 C.F.R. § 1.102(c) and M.P.E.P. § 708.02, Section IV: Applicant's Age, filed June 17, 2004 to make the above-identified application special.

A grantable petition to make special under 37 C.F.R. § 1.102(c) and in accordance with M.P.E.P. § 708.02, Section IV must include a showing, as by a birth certificate or the applicant's statement, that the applicant is sixty five (65) years of age or more. No fee is required for this petition.

The petition includes a statement that the applicant, Salleh Diab, is over sixty five (65) years of age.

Accordingly, the petition is GRANTED. The application is being forwarded to the examiner for expedite prosecution.

For

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

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DRINKER BIDDLE & REATH (DC)
1500 K STREET NW
SUITE 1100
WASHINGTON DC 20005-1209

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SEP 0 2 2008

OFFICE OF PETITIONS

In re	:	
Patent No. RE40291	:	DECISION ON PETITION
Issued: May 6, 2008	:	
Application No. 10/870,409	:	
Filed: June 17, 2004	:	

This is a decision on the "PETITION UNDER 37 C.F.R. § 1.182 FOR DUPLICATE LETTERS PATENT", filed July 18, 2008.

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

The Publishing Division is directed to issue a duplicate Letters Patent.

Any questions concerning this decision may be directed to the undersigned at (571)272-3207. Any questions concerning issuance of the duplicate Letters Patent should be directed to Niomi Farmer at (703)308-9250, extension 129.

A copy of this decision is being forwarded to the Publishing Division for issuance of a duplicate Letters patent.

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

Cliff Congo
Petitions Attorney
Office of Petitions

cc: Niomi Farmer, P/OPPD (FAX 571-270-9937)

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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OCT 18 2007

OFFICE OF PETITIONS

Fish & Richardson
P.O. Box 1022
Minneapolis, MN 55440-1022

In re Application of :
Holly E. Fisher-Robbins et al. :
Application No. 10/870,433 : DECISION ON PETITION
Filed: June 18, 2004 : TO WITHDRAW
Attorney Docket No. 16830-004001 : 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 5, 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 Gregory A. Walters 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 Holly E. Fisher-Robbins at the address indicated below.

There is an outstanding Office action mailed July 18, 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: **Holly E. Fisher Robbins**
7528 Irving Avenue
Pennsauken, NJ 08109

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COMMISSIONER FOR PATENTS
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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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Lance K. Ishimoto
LEXICON GENETICS INCORPORATED
8800 Technology Forest Place
The Woodlands, TX 77381

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APR 06 2005

OFFICE OF PETITIONS

In re Application of	:	
Donoho et al.	:	
Application No. 10/870,450	:	DECISION
Filed: June 16, 2004	:	ON PETITION
Atty Docket No. LEX-0504-USA	:	
	:	

This is a decision on the "PETITION TO ADDRESS OMITTED ITEMS UNDER 37 CFR § 1.181," filed March 7, 2005. Petitioner requests, in essence, that the above-identified application be accorded a filing date of June 16, 2004, with pages 28 and 29 of the specification considered a part of the original application disclosure.

Application papers in the above-identified application were deposited on June 16, 2004. On August 9, 2004, the Office mailed a NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION, stating *inter alia* that the application had been accorded a filing date of June 16, 2004; however, the statutory basic filing fee was missing. No other required item was noted as omitted. However, on January 4, 2005, the Office mailed a "Notice of Omitted Item(s) in a Nonprovisional Application," again advising applicants that the application papers had been accorded a filing date of June 16, 2004; however, pages 28 and 29 of the specification appeared to have been omitted.

In response, applicants timely filed the instant petition (and petition fee). Applicants submit that the specification, claim, and abstract for this application contained a total of 64 pages when filed. As evidence that all pages of the application were filed with the USPTO on June 16, 2004, applicants provided a copy of their return postcard. Petitioner also submitted a copy of pages 18 and 19. In addition, petitioner argues that the words and language contained on the alleged missing pages 28 and 29 were present in total (in context), in provisional application number 60/180,414, which was incorporated by reference in its entirety in the present nonprovisional application.

Regarding the presence of the omitted pages by virtue of an incorporation by reference statement, petitioner's attention is directed to MPEP 201.06(c), which provides, in pertinent part, that:

> The inclusion of this incorporation by reference of the prior application(s) will permit an applicant to amend the continuation or divisional application to include any subject matter in such prior application(s), without the need for a petition provided the continuation or divisional application is entitled to a filing date notwithstanding the incorporation by reference.

Thus, such arguments on petition are subject to dismissal as inappropriate since this application is entitled to a filing date notwithstanding the incorporation by reference. Entry of pages 28 and 29 on such a basis should be by way of an amendment presented to the primary examiner for consideration.

Nonetheless, 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 petitioners' postcard receipt reveals that: 1) it was date stamped as received in the USPTO on June 16, 2004, and the items filed therewith were assigned Application No. 10/870,450; 2) it specifically identifies the items being filed, including "_x_ Specification _64_ pages total (_62_ pages spec; _1_ claim page(s); 1 page Abstract)" and 3) it lacks any annotation of non-receipt of any item denoted on the postcard.

Thus, petitioners have shown that the items denoted were filed on June 16, 2004.

The application papers already considered received in the Office on June 16, 2004, were reviewed along with pages 28 and 29 of the specification submitted on petition. These papers together constitute the items described on the postcard receipt as " x Specification 64 pages total (62 pages spec; 1 claim page(s); 1 page Abstract)." It is concluded that petitioner has shown that pages 28 and 29 of the specification were among the items present in the application on the date of deposit and should be included in the original application disclosure.

Accordingly, the petition is **GRANTED**.

Given the basis for granting the petition, the petition fee is being refunded to Deposit Account No. 50-0892, as authorized.

The application is being returned to the Office of Initial Patent Examination (OIPE) for:

- reprocessing with a filing date of June 16, 2004 using the application papers received in the Office and presently accorded that date; and pages 28 and 29 of the specification re-supplied on petition filed March 7, 2005.

Applicants will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OIPE.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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P.O. Box 1450
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PO BOX 1022
MINNEAPOLIS MN 55440-1022

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JUL 17 2007

OFFICE OF PETITIONS

In re Application of :
DILL, Marcus et al. :
Application No. 10/870,456 :
Filed: June 18, 2004 :
Attorney Docket No. **13906-216001 / 2004P00365** :

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 02, 2007.

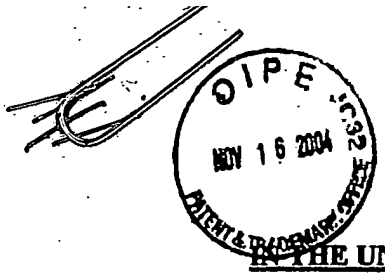
The request is **APPROVED**.

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

The request was signed by Scott Boalick. Scott Boalick have been withdrawn as an attorney or agent of record; all other attorneys remain of record. 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



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PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:	:	Group Art Unit: 1744 Balsis
Douglas J. Hohlbein	:	Attorney Docket No.: 006427.00041
Serial No.: 10/870,462	:	
Filed: June 18, 2004	:	Examiner TBA
For: Oral Care Implement	:	Confirmation No. 9326

PETITION GRANTED

William Krynski
Special Program Examiner
TC 1700
2-10-05

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. §1.102(d)
AND SUPPORTING INFORMATION DISCLOSURE STATEMENT

U.S. Patent and Trademark Office
220 20th Street S.
Customer Window
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Dear Sir:

Applicant hereby petitions the Commissioner to make the above-identified application special under 37 CFR § 1.102(d) and under the guidelines of MPEP § 708.02(VIII). Please charge the petition fee of $130.00 in accordance with 37 CFR §1.17(h) and any other fees that may be required for this Petition to Deposit Account No. 19-0733.

Pre-examination Search

A pre-examination search was conducted by a professional searcher in April 2004. A related search was conducted in October 2004. The searches were conducted in the following class and subclasses: 15, subclasses 22.1, 93.1, 110, 111, 114, 117, 118, 121, 143.1 159.1, 160,

11/17/2004 SSITHIB1 00000123 190733 10870462
01 FC:1460 130.00 DA

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BOZICEVIC FIELD & FRANCIS LLP
1900 UNIVERSITY AVENUE
SUITE 200
EAST PALO ALTO, CA 94303

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JAN 26 2007

OFFICE OF PETITIONS

In re Application of :
Stephen A. Buia et al :
Application No. 10/870,486 : DECISION ON PETITION
Filed: June 16, 2004 : TO WITHDRAW
Attorney Docket No. ARDS-001CIP : 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 6, 2006.

The request is **APPROVED**.

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

The request was signed by Karl Bozicevic on behalf of all attorneys of record who are associated with customer No. 24353.

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

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

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

David Bucci
Petitions Examiner
Office of Petitions

cc: Stephen A. Buia
6 Rings Terrace
Hampton, NH 03842

cc: Fish & Richardson
225 Franklin Street
Boston, MA 02210

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2200 CLARENDON BLVD.
SUITE 1400
ARLINGTON VA 22201

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MAR 05 2009

OFFICE OF PETITIONS

In re Application of
Andreas Huth et al.
Application No. 10/870,491
Filed: June 18, 2004
Attorney Docket No. SCH-1968

DECISION ON PETITION
UNDER 37 CFR 1.55(c)

This is a decision on the "PETITION UNDER 37 C.F.R. §1.55(c) FOR CLAIM TO FOREIGN PRIORITY", filed January 26, 2009, to accept an unintentionally delayed claim under 35 U.S.C. § 119(a)-(d) for the benefit of priority to German Application No. 10328036.7, filed June 19, 2003.

The petition is **DISMISSED**.

This pending nonprovisional application was filed after November 29, 2000, and did not include a reference to the foreign application, for which benefit is now sought, within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior foreign application. Since the claim for priority is submitted after the period specified in 37 CFR 1.55(a)(1)(i), this is an appropriate petition under the provisions of 37 CFR 1.55(c).

A petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim for priority requires:

(1) The nonprovisional application claiming the benefit of an earlier filing date must be filed on or after November 29, 2000;

(2) the claim submitted with the petition must identify the prior foreign application for which priority is claimed, as well as any foreign application for the same subject matter and having a filing date before that of the application for which priority is claimed, by the application number, country, and the filing date and be included either in an oath or declaration (37 CFR 1.63(c)(2)) or in an Application Data Sheet (37 CFR 1.76(b)(6);

(3) the surcharge as set forth in 37 CFR 1.17(t);

(4) a statement that the entire delay between the date the claim was due under 37 CFR 1.55(a)(1) and the date the claim was filed was unintentional (the Director may require additional information where there is a question whether the delay was unintentional); and

(5) the above-identified nonprovisional application must be filed within 12 months of the filing date of the foreign application.

The petition fails to comply with item (2) above. In this regard, a review of the file record discloses that the priority information was not included in an oath or declaration or in an Application Data Sheet (ADS) in accordance with 37 CFR 1.76(b)(6). Unless provided in an ADS, 37 CFR 1.63(c)(2) requires that the oath or declaration must identify the foreign application for patent (or inventor's certificate) for which priority is claimed under 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application number, country, day, month, and year of its filing. *Note* MPEP 201.14.

In view of the above, compliance with 37 CFR 1.63(c)(2) or 37 CFR 1.76(b)(6) must be satisfied if applicant desires to claim priority to the foreign application noted in the petition. Any future petition should include a cover letter and be entitled "Renewed Petition under 37 CFR 1.55(c)."

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

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

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

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

Any inquiries directly pertaining to this matter may be directed to Senior Petitions Attorney Patricia Faison-Ball at (571) 272-3212.

Anthony Knight
Supervisor
Office of Petitions

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1100 13th STREET NW, SUITE 1200
WASHINGTON, DC 20005-4051

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APR 29 2008

OFFICE OF PETITIONS

In re Application of :
PETUNIN, et al. :
Application No. 10/870,497 : DECISION GRANTING PETITION
Filed: June 18, 2004 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **003921.00187** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed April 25, 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 March 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 Monica A. Graves at (571) 272-7253.

This application is being referred to Technology Center AU 2825 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

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.*

RAM Fee History Query

Revenue Accounting and Management

Name/Number: 10870497 Total Records Found: 17

Start Date: Any Date End Date: Any Date

Accounting Date	Sequence Num.	Fee Type	Fee Code	Fee Amount	Mailroom Date	Payment Method
04/28/2008	00002219	4	1464	$130.00	04/25/2008	DA 190733
04/28/2008	00002220	4	1801	$810.00	04/25/2008	DA 190733
03/06/2008	00002954	4	1501	$1,440.00	03/05/2008	DA 190733
03/06/2008	00002955	4	1504	$300.00	03/05/2008	DA 190733
01/18/2008	00012218	4	1801	$810.00	01/18/2008	DA 190733
10/30/2007	00028652	4	1801	$810.00	10/30/2007	DA 190733
06/25/2007	00009166	4	1801	$790.00	06/25/2007	DA 190733
02/14/2007	00000843	4	1801	$790.00	02/13/2007	DA 190733
11/20/2006	00000069	4	1201	$1,200.00	11/17/2006	DA 190733
11/20/2006	00000070	4	1806	$180.00	11/17/2006	DA 190733
08/30/2006	00000029	4	1806	$180.00	08/29/2006	DA 190733
11/10/2004	00000140	1	8021	$40.00	11/04/2004	DA 190733
11/05/2004	00000124	1	1001	$790.00	11/04/2004	DA 190733
11/05/2004	00000125	1	1202	$684.00	11/04/2004	DA 190733
11/05/2004	00000126	1	1201	$264.00	11/04/2004	DA 190733
11/05/2004	00000127	1	1051	$130.00	11/04/2004	DA 190733
11/05/2004	00000128	1	1251	$110.00	11/04/2004	DA 190733

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1875 PENNSYLVANIA AVE., NW
WASHINGTON DC 20006

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FEB 05 2010

OFFICE OF PETITIONS

In re Application :
Alan Cox :
Application No. 10/870,547 : DECISION ON APPLICATION
Filed: June 18, 2004 : FOR PATENT TERM ADJUSTMENT
Attorney Docket No. **13715.148US1** :

This is in response to the APPLICATION FOR PATENT TERM ADJUSTMENT AND REQUEST FOR RECONSIDERATION OF THE PATENT TERM ADJUSTMENT UNDER 37 C.F.R. §§ 1.702-1.705 filed November 9, 2009. Applicant requests that the determination of patent term adjustment be corrected from 1121 days to 1424 days. Applicant requests this correction in part on the basis that the Office will take in excess of three years to issue this patent and in light of the court decision in Wyeth v. Dudas, No. 07-1492 (D.D.C. September 30, 2008).[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 three years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE**.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentees are entitled to for Office failure to issue the patent within three years. See 37 CFR 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under 37 CFR 1.702(a)(4) or applicant delay under 37 CFR 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office cannot make a determination on the of the patent term adjustment concerning those regulations until the patent has issued.

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[1]Reconsidered in light of the Court of Appeals for the Federal Circuit's decision in *Wyeth v. Kappos*, 2009-1120 (Fed. Cir. 1-7-2010).

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

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicants are advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicants must timely file an application for patent term adjustment prior to the payment of the issue fee.[2]

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

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

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

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Patricia Faison-Ball at (571) 272-3212.

/Kery A. Fries/

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

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/870,548	06/18/2004	Vladimir Vasekin	550-562	7145

23117 7590 01/29/2008

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

EXAMINER	
LINDLOF, JOHN M	
ART UNIT	**PAPER NUMBER**
2183	
MAIL DATE	**DELIVERY MODE**
01/29/2008	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.

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JAN 29 2008

TECHNOLOGY CENTER 2100

NIXON & VANDERHYE P.C.
901 North Glebe Road, 11th Floor
Arlington, VA 22203

In re Application of:
VASEKIN et al.
Application No. 10/870,548
Filed: June 18, 2004
For: LOOP END PREDICTION

DECISION ON PETITION

This is a decision on the petition filed on October 5, 2007, requesting withdrawal of Notice of Non-compliant appeal brief mailed September 5, 2007. This petition is being treated as petition under 37 CFR 1.181(a) to invoke Supervisory Authority with respect to the Office communication mailed on September 5, 2007, and withdraw the Notice of non-compliant Appeal Brief.

The Petition is **DISMISSED as moot.**

37 CFR § 41.37(c)(1)(v) states:

> *Summary of claimed subject matter.* A concise explanation of the subject matter defined in each of the independent claims involved in the appeal, which shall refer to the specification by page and line number, and to the drawing, if any, by reference characters. For each independent claim involved in the appeal and for each dependent claim argued separately under the provisions of paragraph (c)(1)(vii) of this section, every means plus function and step plus function as permitted by 35 U.S.C. 112, sixth paragraph, must be identified and the structure, material, or acts described in the specification as corresponding to each claimed function must be set forth with reference to the specification by page and line number, and to the drawing, if any, by reference characters.

As per the above rule, applicant is required to make a "concise explanation" of the subject matter defined in each of the independent claims involved in the appeal. A review of the application indicates that (1) the Appeal Brief filed on June 4, 2007 included multiple page explanation for some claim limitations, and failed to include any explanation for some claim limitations, and hence, failed the requirement under 37 CFR 41.37(c)(1)(V); thus, the Notification of Non-complaint Appeal Brief mailed September 5, 2007 was not a mistake and (2) the Appeal Brief filed on October 5, 2007 has addressed these deficiencies noted in the Notice of Non-Compliant appeal brief; the Appeal Brief filed on October 5, 2007 is now found to be in compliance with all provisions of 37 CFR 41.37 and the examiner has already mailed an answer to the brief, thus providing the relief sought be applicant.

For the above stated reasons, the petition is **DISMISSED AS MOOT**.

The application has been forwarded to examiner of record to consider the Appeal Brief filed on October 5, 2007, and issue an appropriate Office Action.

Any inquiry concerning this decision should be directed to the undersigned whose telephone number is (571) 272-4210.

Mano Padmanabhan, WQAS
Technology Center 2100
Computer Architecture, Software, and
Information Security

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Paper No.

ARENT FOX KINTNER PLOTKIN & KAHN
1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON, DC 20036

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MAR 0 7 2005

OFFICE OF PETITIONS

In re Application of :
Crowhurst et al. :
Application No. 10/870,550 : DECISION ON PETITION
Filed: June 18, 2004 :
Attorney Docket No. 026732-00015 :
(064.0024) :

This is a decision on the "PETITION UNDER 37 C.F.R. 1.182" filed February 7, 2005. Applicants petition for the grant of a June 18, 2004 filing date in the above-identified application, with figure 34D as part of the original application disclosure.

Application papers in the above-identified application were filed on June 18, 2004. However, on August 16, 2004, the Office of Initial Patent Examination mailed applicants a "Notice to File Missing Parts of Nonprovisional Application." Applicants were notified that the application papers had been accorded a filing date of June 18, 2004; however, figure 34D described in the specification appeared to have been omitted. In addition, the Notice required submission of an executed oath or declaration; the statutory basic filing fee; additional claim fees; and the late oath or declaration surcharge.

Applicants filed a response on October 18, 2004. However, the Office responded by changing the filing date of the application to October 18, 2004. In response, applicants timely filed the instant petition (and authorization to charge the petition fee). Applicants contend that because the application claims priority from, and incorporates by reference, U.S. Provisional Patent Application No. 60/479,952, and figure 34D was included in the '952 application, as filed, then figure 34D also was included in the instant application, as filed.

The application file is the Official record of what was received in the Office in an application. A review of the instant application file reveals that figure 34D was not among the papers filed on June 18, 2004, as figure 34D is not present in the application file. Petitioners have not submitted persuasive evidence to support a contention that figure 34D was among the papers filed on June 18, 2004 (e.g., itemized postcard receipt), but not present in the application file because they were misplaced in the Office.

The mailing of a Notice that a portion of an application appears to have been omitted, 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 drawing was 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 drawing 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(f)) requesting the later filing date within two months of the date of the "Notice of Omitted Items" (37 CFR 1.181(f)).

A filing date has been accorded to this application. No petition under 37 CFR 1.182 is necessary to amend the application to include drawing figure 34D. See MPEP 201.06(c), referenced below. New drawings may be entered by the primary examiner without petition so long as the new drawings contain no new matter. See MPEP § 608.02.

Accordingly, to the extent that the petition requests such relief, the petition is inappropriate and is subject to dismissal.

Moreover, to the extent that applicants request a filing date of June 18, 2004 with figure 34D considered part of the original application disclosure, the petition is **DISMISSED.**

However, the Office should not have changed the filing date to the date of filing of the declaration on October 18, 2004. The application is entitled to the originally accorded filing date of June 18, 2004, without figure 34D.

The petition fee is subject to refund since the petition was necessary to correct the Office error in changing the filing date. Although authorized, the petition fee will not be charged to Deposit Account No. 01-2300.

Petitioners may seek to amend the application to include figure 34D[1]. The specification included an incorporation by reference of application No. 60/479,952. MPEP 201.06(c) states that:

> If a continuation or divisional application as originally filed is entitled to a filing date despite the omission of a portion of the prior application(s), applicant will be permitted to add the omitted material by way of an amendment provided a statement was included in the application as originally filed that incorporates by reference the prior application(s). If the application as originally filed

---

[1] Petitioners are reminded with respect to applications filed on or after September 21, 2004, 37 CFR § 1.57 has been added to provide for incorporation by reference. See *Changes to Support Implementation of the United States Patent and Trademark Office 21st Century Strategic Plan; Final Rule*, 69 FR 56482, 56539 (September 21, 2004).

> includes a proper incorporation by reference of the prior application(s), an omitted specification page(s) and/or drawing figure(s) identified in a "Notice of Omitted Item(s)" may be added by amendment provided the omitted item(s) contains only subject matter in common with such prior application(s). In such case, applicant need not respond to the "Notice of Omitted Item(s)." Applicant should submit the amendment adding the omitted material prior to the first Office action to avoid delays in the prosecution of the application. See MPEP § 601.01(d) and § 601.01(g).

Obviously, in view of the incorporation by reference of the prior application, figure 34D is not new matter if it was part of the disclosure of the prior application.

Thus, a preliminary amendment to amend the specification to include figure 34D should be filed prior to the first Office action on the merits to avoid further delay in the prosecution of this application. This amendment will be considered by the primary examiner.

The application is being returned to the Office of Initial Patent Examination for **correction of the filing date to June 18, 2004**, using the papers received in the Office on that date.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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DLA PIPER LLP (US)
4365 EXECUTIVE DRIVE
SUITE 1100
SAN DIEGO, CA 92121-2133

Mail Date: 04/21/2010

Applicant	: James G. Herman	: DECISION ON REQUEST FOR
Patent Number	: 7655444	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/870,577	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/16/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **27** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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Marvell Semiconductor, Inc.
Intellectual Property Department
700 First Avenue, MS# 509
Sunnyvale, CA 94089

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JAN 27 2005

OFFICE OF PETITIONS

In re Application of	:	
Pantas Sutardja	:	
Application No. 10/870,579	:	DECISION GRANTING
Filed: June 16, 2004	:	PETITION
Attorney Docket No. MP0524	:	

This is a decision on the petition filed October 12, 2004, requesting that the above-identified application be accorded a filing date of June 16, 2004, rather than the presently accorded date of June 17, 2004. The petition is properly treated as a petition under 37 CFR 1.10(d).

The petition is **GRANTED**.

Applicant requests the earlier filing date on the basis that the application was purportedly deposited with Express Mail Service on June 16, 2004 pursuant to 37 CFR 1.10. While the copy of the Express Mail label receipt no. EV173620073US bears an illegible "date-in," it also includes a USPS receipt date stamp of June 16, 2004. Applicants are alleging that the date of mailing shown in the "date-in" is a U. S. Postal Service (USPS) error and the correct date of mailing pursuant to 37 CFR 1.10 is June 16, 2004. In support, petitioner has also provided a certificate of Express Mail under 37 CFR 1.10 dated June 16, 2004 and a copy of the USPS' Express Mail Track and Confirm database record showing that the package bearing Express Mail label No. EV173620073US was accepted at the USPS on June 16, 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. In view the USPS receipt date stamp, the certificate of Express Mail, and the copy of the USPS' Express Mail Track and Confirm database record, it has been established that the package bearing Express Mail label No. EV173620073US was deposited on June 16, 2004 and the filing date of the application is accorded as such.

This application file is being returned to the Office of Initial Patent Examination Division for **correction of the filing date to June 16, 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 to the undersigned at (571) 272-3223.

Marianne E. Jenkins
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/870,579	06/16/2004	2831	2216	MP0524	8	86	6

CONFIRMATION NO. 9605

23624
MARVELL SEMICONDUCTOR, INC.
INTELLECTUAL PROPERTY DEPARTMENT
700 FIRST AVENUE, MS# 509
SUNNYVALE, CA 94089

CORRECTED FILING RECEIPT

OC000000015492911

Date Mailed: 03/17/2005

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Pantas Sutardja, San Jose, CA;

Assignment For Published Patent Application

Marvell International Ltd., Hamilton, BERMUDA

Power of Attorney: The patent practitioners associated with Customer Number **23624**.

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 08/05/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/870,579

Projected Publication Date: Request for Non-Publication Acknowledged

Non-Publication Request: Yes

Early Publication Request: No

Title

Capacitor structure in a semiconductor device

Preliminary Class

361

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

GRANTED

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

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

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

NOT GRANTED

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/870,616	06/17/2004	Hong-Jyh Li	INF 2004 P 51355 US	8948

48154 7590 12/18/2009

SLATER & MATSIL LLP
17950 PRESTON ROAD
SUITE 1000
DALLAS, TX 75252

EXAMINER	
TRAN, THIEN F	

ART UNIT	PAPER NUMBER
2895	

MAIL DATE	DELIVERY MODE
12/18/2009	PAPER

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

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WASHINGTON, D.C. 20231
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Paper No. 20091209

Applicant : Hong-Jyh Li
Application No.: 10/870,616
Filed: June 17, 2004

DECISION GRANTING PETITION UNDER *37 CFR 1.181*

This decision is in response to the petition filed August 12, 2009 in the above-identified application. Petitioner requests withdrawal of the finality of the Office action mailed June 12, 2009, under 37 CFR 1.181.

Petitioner asserts that in the Office action, the Examiner included a new ground of rejection that was not necessitated by amendment. Specifically, that the June 12, 2009 included for the first time a rejection of claims 1, 3, 11-15, 46 and 47 under 35 U.S.C. 112, 1st and 2nd paragraph alleging new matter. Petitioner points out that the alleged new matter was added in an amendment filed September 11, 2007.

A review of the record confirms that the Examiner did include a new rejection in the June 12, 2009 Office action that alleged new matter that was introduced in the September 11, 2007 amendment. It is noted that this newly presented rejection was under 35 U.S.C. 112, 1st paragraph and not under the 2nd paragraph of said statute. Due to the particular circumstances in the prosecution of the instant case subsequent to the September 11, 2007 amendment which did not raise the issue of new matter previously to the June 12, 2009 rejection, the finality of the June 12, 2009 rejection is considered to be improper.

The petition is GRANTED.

The finality of the June 12, 2009 Office action is hereby withdrawn. The June 12, 2009 Office action is hereby treated as being a non-final Office action. Petitioner's response filed August 12, 2009 will be treated as a response to a non-final Office action. The application will be forwarded to the Examiner for issuance of a new Office action responding to the August 12, 2009 response.

Gladys Corcoran
Acting Director, Technology Center 2800

James Kesterson
Slater & Matsil, L.L.P.
17950 Preston Rd., Suite 1000
Dallas, TX 75252

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OFFICE OF PETITIONS

In re Application of	:	
James Counihan	:	DECISION ON PETITION
Application No. 10/870,620	:	TO MAKE SPECIAL UNDER
Filed: June 17, 2004	:	37 CFR 1.102(c)(1)
Attorney Docket No. 032154.00015	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed February 9, 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 petition includes a declaration by James Counihan attesting that he is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to 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 3635 for action on the merits commensurate with this decision.

Wan Laymon
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

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APR 0 4 2007

OFFICE OF PETITIONS

In re Application of	:	
Jae Chang Jung	:	
Application No. 10/870,631	:	DECISION GRANTING PETITION
Filed: June 17, 2004	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 30205/40180	:	

This is a decision on the petition, filed April 2, 2007, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on March 9, 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 1752 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\Apr10\870631.wpd

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

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WOLF GREENFIELD & SACKS PC
600 ATLANTIC AVENUE
BOSTON, MA 02210-2206

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AUG 31 2007

OFFICE OF PETITIONS

In re Application of	:
SEKI, Tatsuji	:
Application No. 10/870,635	: DECISION ON PETITION
Filed: June 17, 2004	: UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. P0850-70006US01	:

This is a decision on the petition under 37 CFR 1.313(c), filed August 21, 2007, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **DISMISSED**.

A review of the file record discloses that a Notice of Abandonment was mailed on June 19, 2007, stating that this application is abandoned for failure to timely file drawings as required by the Notice of Allowability of February 22, 2007. As this application is now abandoned, this application will not issue. Therefore, a petition to withdraw from issue is not appropriate at this time.

Petitioner should consider filing a petition under 37 CFR 1.137 requesting revival of this application. The petition to revive should also be accompanied by a renewed petition under 37 CFR 1.313(c)(2) requesting withdrawal of this application from issue upon the granting of the petition to revive.

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.**

Correspondence regarding this decision may also be filed through the electronic filing system of the USPTO.

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

Frances Hicks
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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OFFICE OF PETITIONS

WOLF GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON MA 02210-2206

In re Application of :
SEKI, Tatsuji :
Application No. 10/870,635 : DECISION GRANTING PETITIONS
Filed: June 17, 2004 : UNDER 37 CFR 1.137(b) AND
Attorney Docket No. P0850-70006US01 : 37 CFR 1.313(c)(2)

This is a decision on the petitions, filed September 13, 2007, under 37 CFR 1.137(b), to revive the above-identified unintentionally abandoned application and on the renewed petition under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue.

The petitions are **GRANTED.**

As to the petition under 37 CFR 1.137(b):

This application became abandoned for failure to correct drawings on or before May 22, 2007, as required by the Notice of Allowability, mailed February 22, 2007.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that petitioner has submitted (1) an amendment to the "Brief Description" of drawings, (2) the petition fee of $1500, and (3) an adequate statement of unintentional delay.

As to the petition under 37 CFR 1.313(c)(2):

Petitioner requests withdrawal of this application from issue for consideration of a submission under 37 CFR 1.114.

The petition satisfies the requirements of 37 CFR 1.313(c)(2). Accordingly, this application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (RCE).

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

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

This matter is being referred to Technology Center AU 1656 for processing the RCE and for consideration of the Information Disclosure Statement submitted on August 21, 2007.

Frances Hicks
Petitions Examiner
Office of Petitions

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

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Alexandria, VA 22313-1450
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SEP 21 2004

In re Application of	:	
David J. Elliott et al.	:	
Serial Number: 10/870,646	:	PETITION UNDER
Filed: June 17, 2004	:	M.P.E.P.708.02 V
For: SYSTEM AND METHODS FOR SURFACE CLEANING	:	AND VI
	:	

This is in response to the petition filed June 17, 2004, requesting that the above-identified application be granted Special Status under Sections 708.02 V and VI of the MPEP and 37 CFR 1.102(c) **(no fee required)**.

The request for Special Status considered under Section 708.02 V and VI is granted because criteria under 37 CFR 1.102(c) has been met.

Accordingly the petition is **GRANTED.**

Marian C Knode

Marian C. Knode, Special Programs Examiner
Technology Center 1700
Chemical and Materials Engineering

MONICA GREWAL, ESQ.
BOWDITCH & DEWEY, LLP
161 Worcester Road
P.O. Box 9320
Framingham MA 01701-9320

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OFFICE OF PETITIONS

HEWLETT PACKARD COMPANY
P.O BOX 272400, 3404 E. HARMONY ROAD
INTELECTUAL PROPERTY ADMINISTRATION
FORT COLLINS CO 80527-2400

In re Application of :
Yong Chen :
Application No. 10/870,664 : ON PETITION
Filed: June 16, 2004 :
Attorney Docket No. 100202604-1 :

This is a decision on the petition, filed January 25, 2006, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on April 15, 2005, in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

The examiner of Technology Center AU 2814 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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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November 3, 2008

Anton E. Skaugset
Kolisch Hartwell, P.C.
520 S.W. Yamhill Street, Suite 200
Portland, OR 97204

Patent No.: 7,416,763 B2
Application No.: 10/870,671
Inventor(s): Yuichi Kanda, et al.
Issued: August 26, 2008
Title: **PROCESS FOR FORMING METAL LAYERS**

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.

Virginia Tolbert
For Mary Diggs, Supervisor
Decisions & Certificate of Correction Branch
(703) 305-8309 or (703) **308-9390 ext 113**

vt

UNITED STATES PATENT AND TRADEMARK OFFICE

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KOLISCH HARTWELL, P.C.
200 PACIFIC BUILDING
520 SW YAMHILL STREET
PORTLAND, OR 97204

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OFFICE OF PETITIONS

In re Patent No. 7,416,763 :
Issue Date: August 26, 2008 :
Application No. 10/870,671 : ON PETITION
Filed: June 16, 2004 :
Patentee(s): Yuichi Kanda, et. al. :

This is a decision on the request under 37 CFR 3.81[1], filed February 2, 2009, to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

As authorized, the $130 processing fee for treatment of the instant request has been charged to petitioner's deposit account.

The request is **GRANTED**.

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.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3226. Inquiries regarding the issuance of a Certificate of Correction should be directed to the Certificates of Correction Branch at (703) 305-8309.

Andrea Smith
Petitions Examiner
Office of Petitions

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

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THE ECLIPSE GROUP LLP
10605 BALBOA BLVD., SUITE 300
GRANADA HILLS, CA 91344

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DEC 23 2009

OFFICE OF PETITIONS

In re Application of :
Paul A. UNDERBRINK et al. :
Application No. 10/870,673 : DECISION ON PETITION
Filed: June 16, 2004 :
Attorney Docket No. ST97001DI1(209-US-DI1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 01, 2009, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the Issue and Publication Fees on or before September 03, 2009, as required by the Notice of Issue and Publication Fee(s) Due, mailed June 03, 2009. Accordingly, the date of abandonment of this application is September 04, 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 and the publication fee, (2) the petition fee of $1,620; and (3) a proper statement of unintentional delay.

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

A revocation of power of attorney by the assignee was filed December 8, 2005. The revocation is not acceptable because the statement under 37 CFR 3.73(b) did not include 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). 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 Ella Colbert at (571) 272-6051 or in her absence David A. Bucci at (571) 272-7099.

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

David Bucci
Petitions Examiner
Office of Petitions

cc: KENNETH N. NIGON
RATNERPRESTIA
P.O. BOX 980
VALLEY FORGE, PA 19482

UNITED STATES PATENT AND TRADEMARK OFFICE

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

TOWNSEND AND TOWNSEND AND CREW, LLP (018563)
TWO EMBARCADERO CENTER, EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

Mail Date: 04/21/2010

Applicant	: Huafeng Wen	: DECISION ON REQUEST FOR
Patent Number	: 7578673	: RECALCULATION of PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/870,689	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/17/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

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Paper No.

MEDIMMUNE, LLC
Jonathan Klein-Evans
ONE MEDIMMUNE WAY
GAITHERSBURG MD 20878

MAILED

JUN 23 2009

OFFICE OF PETITIONS

In re Application of	:	
Yang et al.	:	
Application No. 10/870,690	:	ON APPLICATION FOR
Filed: June 16, 2004	:	PATENT TERM ADJUSTMENT
Atty Docket No. FL250US	:	

This is in response to the APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. §1.705(b) filed March 3, 2009. Applicants request that the patent term adjustment be increased from 445 days to 904 days. Relying on Wyeth v. Dudas, 580 F. Supp. 2d 138, 88 U.S.P.Q. 2d 1538 (D.D.C. 2008), applicants request this correction on the basis that the Office will take in excess of three years to issue this patent (and considering the filing of a Request for Continued Examination on September 17, 2008).

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). (This is true even in this instance where a request for continued examination (RCE) was filed. The computer will not undertake the § 1.703(b) calculation until the actual date of issuance of the patent has been determined. Accordingly, it is still too soon to make a determination as to the correctness of

any period of adjustment that will or will not be entered pursuant to § 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 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.

It is acknowledged that any period of adjustment will be entered in light of 35 U.S.C. 154(B) GUARANTEE OF NO MORE THAN 3-YEAR APPLICATION PENDENCY, which provides that:

> Subject to the limitations under paragraph (2), if the issue of an original patent is delayed due to the failure of the United States Patent and Trademark Office to issue a patent within 3 years after the actual filing date of the application in the United States, not including —
>
> (i) any time consumed by continued examination of the application requested by the applicant under section 132(b);

It is noted that a Request for Continued Examination (RCE) was first filed in this application on September 17, 2008.

The determination of the patent term adjustment at the time of the mailing of the notice of allowance remains four hundred forty-five (445) days.

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

Applicants are reminded that any delays by the Office pursuant to 37 CFR 1.702(a)(4)(as well as, 1.702(b)) and any applicant delays under 37 CFR 1.704(c)(10) will be calculated at the time of the issuance of the patent and applicants will be notified of the revised patent term adjustment to be indicated on the patent in the Issue Notification letter that is mailed to applicants approximately three weeks prior to issuance.

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

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : December 02, 2006

TO SPE OF : ART UNIT 2618

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/870696 Patent No.: 7,047,046 B2

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

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

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

Elisha Evans
Certificates of Correction Branch

703-308-9390 ext. *110*

Thank You For Your Assistance

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

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

Comments: Minor informalities

EDAN ORGAD
PRIMARY PATENT EXAMINER

Eden Orgad — 2618
SPE — **Art Unit**

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Virtual Legal, P.C.
Michael A. Kerr
P.O. Box 22028
Carson City, NV 89721

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SEP 02 2008

In re Application of	:	
Steve Reynolds	:	
Application No. 10/870,703	:	DECISION ON PETITION
Filed: June 16, 2004	:	TO WITHDRAW
Attorney Docket No. REY 04.001	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 5, 2008.

The request is **APPROVED**.

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

The request was signed by Michael A. Kerr on behalf of all 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 of record has been changed and is indicated below.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Steve Reynolds
Price Tag Pro
2814 N. Carson Street
Carson City, NV 89706

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/870,703	06/16/2004	Steve Reynolds	REY 04.001

CONFIRMATION NO. 7502

POWER OF ATTORNEY NOTICE

48008
VIRTUAL LEGAL, P.C.
MICHAEL A. KERR
P.O. BOX 22028
CARSON CITY, NV 89721

OC000000031849869

Date Mailed: 09/02/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/05/2008.

- 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.

/kainabinet/

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

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ALLEN, DYER, DOPPELT, MILBRATH & GILCHRIST P.A.
1401 CITRUS CENTER 255 SOUTH ORANGE AVENUE
P.O. BOX 3791
ORLANDO, FL 32802-3791

Mail Date: 04/20/2010

Applicant	: John E. Hoffmann	: DECISION ON REQUEST FOR
Patent Number	: 7609648	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/870,718	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/17/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **298** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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ALLEN, DYER, DOPPELT, MILBRATH & GILCHRIST P.A.
1401 CITRUS CENTER 255 SOUTH ORANGE AVENUE
P.O. BOX 3791
ORLANDO, FL 32802-3791

Mail Date: 04/20/2010

Applicant	: John E. Hoffmann	: DECISION ON REQUEST FOR
Patent Number	: 7587173	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/870,719	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/17/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **719** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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RUDEN, MCCLOSKY, SMITH, SCHUSTER & RUSSELL, P.A.
P.O. BOX 1900
FORT LAUDERDALE FL 33301

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OFFICE OF PETITIONS

In re Application of :
Levi Gil Shoshan :
Application No. 10/870,735 : DECISION ON PETITION
Filed: 17 June, 2004 :
Atty Docket No. 2502-00501 :
:

This is a decision on the petition filed on 11 May, 2006, under 37 CFR 1.137(b), [1] to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on 13 November, 2005, for failure to timely and properly reply to the final Office action mailed 12 August, 2005, which set a three (3) month shortened statutory period for reply. Notice of Abandonment was mailed on 24 March, 2006.

---

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

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

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

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

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

Petitioner has filed a Request for Continued Examination (RCE) and an amendment as the required reply under 37 CFR 1.114.

The address in the petition is different from the correspondence address. A copy of this decision is being forwarded to the address listed in the petition. All future correspondence, however, will be mailed solely to the address of record.

This application is being referred to the Technology Center for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

cc: LEVI GIL SHOSHAN
10550 BISSONNET
HOUSTON TX 77099

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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HOWARD J. GREENWALD P.C.
349 W. COMMERCIAL STREET SUITE 2490
EAST ROCHESTER NY 14445-2408

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OFFICE OF PETITIONS

In re Application of	:	
Wang et al.	:	DECISION ON PETITION
Application No. 10/870,737	:	TO WITHDRAW
Filed: June 17, 2004	:	FROM RECORD
Attorney Docket No. XW-695	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed September 30, 2005, which is being treated as a request to withdraw from employment in a proceeding before the Office under 37 C.F.R. § 10.40.

The request is **NOT APPROVED.**

A review of the file record indicates that Howard J. Greenwald and the attorneys associated with the Customer Number 37282 do not have power of attorney in this patent application nor is there any statement or evidence of record of employment in or otherwise being engaged in the proceedings in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

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

Telephone inquires concerning this decision should be directed to Petitions Examiner Liana Chase at 571-272-3206.

David Bucci
Petitions Examiner
Office of Petitions

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Alexandria, VA 22313-1450
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Howard J. Greenwald P.C.
70 Linden Oaks, Third Floor
Rochester, NY 14625

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OFFICE OF PETITIONS

In re Application of :
Xingwu Wang et al. :
Application No. 10/870,737 : DECISION ON PETITION
Filed: June 17, 2004 : TO WITHDRAW
Attorney Docket No. XW-695 : 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 8, 2006.

The request is **moot because a revocation of power of attorney has been filed.**

A review of the file record indicates that the power of attorney to Peter J. Mikesell and all attorneys/agents of record have been revoked by the assignee of the patent application on May 30, 2006. 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: Curatalo Sidoti Co., LPA
24500 Center Ridge Road
Suite 280
Cleveland, OH 44145

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MYERS BIGEL SIBLEY &
SAJOVEC, P.A.
P.O. BOX 37428
RALEIGH NC 27627

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OFFICE OF PETITIONS

In re Application of	:	
Markus Andreasson	:	
Application No. 10/870,747	:	DECISION GRANTING PETITION
Filed: June 17, 2004	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. 9342-205	:	

This is a decision on the petition under 37 CFR 1.137(b), filed September 26, 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 March 2, 2006, is accepted as having been unintentionally delayed.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Therefore, no fee has been charged for an extension of time.

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

This matter is being referred to Technology Center AU 2617.

Karen Creasy
Petitions Examiner
Office of Petitions

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

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OFFICE OF PETITIONS

In re Application of :
Shingo Suzuki :
Application No. 10/870,751 : ON PETITION
Filed: June 16, 2004 :
Attorney Docket No. TRAN-P264 :

This is a decision on the petition, filed December 4, 2005, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

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

Petitioner is advised that the issue fee paid on November 16, 2006 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

The examiner of Technology Center AU 2829 will consider the request for continued examination under 37 CFR 1.114.

Karen Creasy
Petitions Examiner
Office of Petitions

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

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OFFICE OF PETITIONS

BEYER WEAVER LLP
P.O. BOX 70250
OAKLAND, CA 94612-0250

In re Application of
BABCOCK, Jeff et al.
Application No. 10/870,753
Filed: June 16, 2004
Attorney Docket No. **CREEP034**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 23, 2007.

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

A review of the file record indicates that the power of attorney to Beyer Weaver LLP has been revoked by the assignee of the patent application on April 11, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Terri Williams
Petitions Examiner
Office of Petitions

cc: **MYERS BIGEL SIBLEY & SAJOVEC, P.A.**
P.O. BOX 37428
RALEIGH NC 27627

UNITED STATES PATENT AND TRADEMARK OFFICE

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SLATER & MATSIL, LLP
17950 PRESTON RD., SUITE 1000
DALLAS, TX 75252

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OFFICE OF PETITIONS

In re Application of	:	
Ihar Kasko et al	:	
Application No. 10/870,756	:	ON PETITION
Filed: June 17, 2004	:	
Attorney Docket No. 2004 P 51443 US	:	

This is a decision on the petition, filed September 28, 2004, to correct the second named inventor due to a typographical error on the declaration.

The petition is **granted.**

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

Irvin Dingle
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Attachment: Corrected Filing Receipt

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JUL 18 2008

In re Application of :
Andrew D. Wilson :
Application No. 10/870,777 : ON PETITION
Filed: June 16, 2004 :
Attorney Docket No. 13768.810.9

This is a decision on the petition, filed July 16, 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 April 4, 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 2624 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

Irvin Dingle
Petitions Examiner
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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JACOB FRADEN
ADVANCED MONITORS CORP.
6215 FERRIS SQUARE, SUITE 1215
SAN DIEGO, CA 92121

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JUL 26 2006

OFFICE OF PETITIONS

In re Application of :
Jacob Fraden : DECISION ON PETITION
Application No. 10/870,803 :
Filed: June 18, 2004 :
Title of Invention: **CONTACT THERMOMETER FOR BODY CAVITY** :

This is a decision on the petition to withdraw the holding of abandonment, filed June 15, 2006, which is treated under 37 CFR in accordance with the reasoning of the decision in Delgar Inc. v. Schuyler, 172 USPQ 513.

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. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181," or, as explained in more detail below, "...under 37 CFR 1.137(a)" or (b). This is not a final agency decision.

This application became abandoned November 18, 2005, for failure to reply to the Restriction Requirement mailed October 17, 2005, which set a one (1) month period for reply. No extensions of time having been filed, a Notice of Abandonment was mailed June 14, 2006.

Although petitioner claims to have learned of the abandonment from the Examiner of record, he asserts that the office communication mailed October 17, 2005 was never received. A review of the record indicates no irregularity in the mailing of the Office action, and in the absence of any irregularity in the mailing, there is a strong presumption that the Office action was properly mailed to the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. The showing required to establish the failure to receive an Office action must include a statement from the inventor that the Office communication was not received and attesting to the fact that a search of the docket records indicates that the Office

communication was not received. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in petitioner's statement.[1]

Petitioner offers as a possible explanation for the non-receipt, the fact that the suite number was not placed on the communication from the USPTO and perhaps it was mis-delivered. A review of the file does not reveal that a suite number was ever provided by the inventor and as such the address of record does not contain a suite number. The conclusion therefore is that the Notice was properly mailed to the address of record and that it would therefore stand to reason that since petitioners did not provide the USPTO with a suite number and since the correspondence was mailed to an address that did not include a suite number, that perhaps they did not receive the office action, but with that, it was not the fault or an error on the part of the agency and thus, the holding of abandonment cannot be withdrawn.

ALTERNATIVE VENUE

Petitioner may wish to consider filing a renewed petition under 37 CFR 1.137(b),[2] which now provides that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b).

The filing of a petition under the unintentional standard cannot be intentionally delayed and therefore should be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay,

---

[1]M.P.E.P. § 711.03(c); See Notice entitled "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 O.G. 53 (November 16, 1993).

[2]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)).

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).

Please note that the petition fee for a small entity under 37 CFR 1.137(b) is $750.00 and $1,500.00 for a large entity.

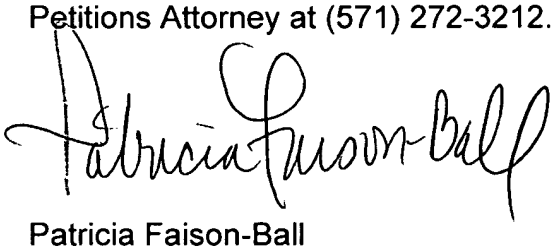
Finally, the mere inclusion, in a paper filed in the application for another purpose, of an address differing from the previously provided correspondence address, does not constitute a proper change of address notification." See MPEP sections 601.03 and 711.02(c). Since the file does not indicate a change of address has been submitted, a change or correction of address to include the suite number should be filed in accordance with MPEP 601.03. As a courtesy, this decision is being mailed to the address given on the petition with the suite number included, however, the Office will mail all future correspondence solely to the address of record that does not include the suite number.

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

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

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

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



Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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SAN DIEGO, CA 92121

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OFFICE OF PETITIONS

In re Application of
Jacob Fraden
Application No. 10/870,803
Filed: June 18, 2004
Title of Invention: **CONTACT THERMOMETER FOR BODY CAVITY**

: DECISION ON PETITION

This is a decision on the request for reconsideration filed September 1, 2006, which is treated under 37 CFR in accordance with the reasoning of the decision in Delgar Inc. v. Schuyler, 172 USPQ 513.

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

This application became abandoned November 18, 2005, for failure to reply to the Restriction Requirement mailed October 17, 2005, which set a one (1) month period for reply. No extensions of time having been filed, a Notice of Abandonment was mailed June 14, 2006. On June 15, 2006, petitioner filed a petition to withdraw the holding of abandonment, claiming non-receipt of the Office Action mailed October 17, 2005. The petition was dismissed in a decision mailed July 26, 2006 because no documentary evidence was provided to show that the Office Action had not been received.

Comes now petitioner, a pro-se applicant with additional evidence in the form of the "IP ACTIVITY RECORD" for the instant matters which is inclusive from September 2001 to the receipt of the decision on petition mailed July 26, 2006. The petitioner uses the "IP ACTIVITY RECORD" as a "docketing system".

In that the statement from the petitioner and the "IP ACTIVITY RECORD" show non-receipt of the office action, it is concluded that the non-Final Office Action was never received at the address of record. Accordingly, the holding of abandonment is withdrawn and the Notice of Abandonment is vacated. No petition fee is due and none has been charged.

As was indicated in the decision mailed July 26, 2006, the mere inclusion, in a paper

filed in the application for another purpose, of an address differing from the previously provided correspondence address, does not constitute a proper change of address notification." See MPEP sections 601.03 and 711.02(c). Since the file does not indicate a change of address has been submitted, a change or correction of address to include the suite number should be filed in accordance with MPEP 601.03. As a courtesy, this decision is being mailed to the address given on the renewed petition with the suite number included, however, the Office will mail all future correspondence solely to the address of record that does not include the suite number. A proper change of address must be submitted and it cannot be included with any response or other communication with the USPTO.

The file is being forwarded to Technology Center 2859 for the re-mailing of the non-Final Office Action originally mailed on October 17, 2005. Telephone inquiries concerning the re-mailing of the Final Office Action should be referred to the Technology Center. All other inquiries regarding this decision 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

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WEAVER AUSTIN VILLENEUVE & SAMPSON LLP - ALTERA
ATTN: ALTERA
P.O. BOX 70250
OAKLAND, CA 94612-0250

Mail Date: 04/20/2010

Applicant	: Paul Metzgen	: DECISION ON REQUEST FOR
Patent Number	: 7581088	: RECALCULATION of PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/870,810	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/16/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **191** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. None

Paul E. Schaafsma
NovusIP, LLC
Suite 221
521 West Superior
Chicago IL 60610

COPY MAILED

JUL 1 5 2005

OFFICE OF PETITIONS

In re Application of
Terrance Johnson
Application No. 10/870,822
Filed: June 17, 2004
Title: METHOD AND APPARATUS FOR SPIRAL CUTTING A TUBULAR MEAT PRODUCT

DECISION ON PETITION
UNDER 37 C.F.R. §1.137(b)

This is a decision on the petition filed June 9, 2005, pursuant to 37 C.F.R. §1.137(b)[1], to revive the above-identified application.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Missing Parts (notice), mailed August 6, 2004, which set a shortened statutory period for reply of two (2) months. The notice indicated that the oath or declaration was unsigned, and that the surcharge associated with the late submission of the same and replacement drawings would be required. On September 1, 2004, replacement drawings were received. No additional 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 October 7, 2004. A Notice of Abandonment was mailed April 21, 2005.

With this petition, Petitioner submitted the petition fee, an oath which has been executed by the inventor, and the proper statement of unintentional delay.

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.

Petitioner has failed to meet the first requirement above. This requirement has not been satisfied because Petitioner did not submit the required reply to the Office action in full. The required reply is the reply sufficient to have avoided abandonment, had such reply been timely filed[2]. In order for the application to be revived, petitioner must submit the surcharge associated with the late submission of a declaration. The petition was not accompanied by an authorization to charge a Deposit Account.

Therefore, the petition must be **DISMISSED**.

On renewed petition, petitioner must submit the required reply, i.e. the required surcharge.

Any response to 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 response should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)."

The reply should display "Please deliver to Paul Shanoski, c/o Office of Petitions" in a prominent manner. The reply to this letter may be submitted by mail[3], hand-delivery[4], or facsimile[5].

The application file will be retained in the Office of Petitions for two (2) months.

Any renewed petition may be submitted by mail[6], hand-delivery[7], or facsimile[8]. 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 See M.P.E.P. 711.03(c).

3 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

4 Customer Window, Mail Stop Petition, Crystal Plaza Two, Lobby, Room 1B03, Arlington, Virginia 22202.

5 (703) 872-9306 - please note this is a central facsimile number, and as such, there will be a delay in the delivery of the facsimile to the undersigned.

6 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

7 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.

8 (703) 872-9306 - please note this is a central facsimile number. On July 15, 2005, the Central FAX Number will change to 571-273-8300. To give customers time to adjust to the new Central FAX Number, faxes sent to the old number (703-872-9306) will be routed to the new number until September 15, 2005.

UNITED STATES 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

Paul E. Schaafsma
NovusIP, LLC
Suite 221
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Chicago IL 60610

COPY MAILED

AUG 25 2005

OFFICE OF PETITIONS

In re Application of
Terrance Johnson
Application No. 10/870,822
Filed: June 17, 2004
Title: METHOD AND APPARATUS FOR SPIRAL CUTTING A TUBULAR MEAT PRODUCT

DECISION ON RENEWED PETITION UNDER 37 C.F.R. §1.137(b)

This is a decision on the renewed petition filed July 26, 2005, pursuant to 37 C.F.R. §1.137(b)[1], to revive the above-identified application.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Missing Parts (notice), mailed August 6, 2004, which set a shortened statutory period for reply of two (2) months. The notice indicated that the oath or declaration was unsigned, and that the surcharge associated with the late submission of the same and replacement drawings would be required. On September 1, 2004, replacement drawings were received. No additional 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 October 7, 2004. A Notice of Abandonment was mailed April 21, 2005.

With the original petition, Petitioner submitted the petition fee, an oath which has been executed by the inventor, and the proper statement of unintentional delay. The original petition was dismissed via the mailing of a decision on July 15, 2005, for failure to meet the first requirement

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.

above in that Petitioner failed to submit the surcharge associated with the late submission of a declaration.

On July 22, 2005, the surcharge was received.

As such, this renewed petition is **GRANTED**.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

DEC -8 2006

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

DUNLAP, CODDING & ROGERS P.C.
PO BOX 16370
OKLAHOMA CITY, OK 73113

In re Application of	:
Roger G. Harrison et al.	:
Serial No.: 10/870,832	: PETITION DECISION
Filed: June 17, 2004	:
Attorney Docket No.: 5820.650	:

This is in response to the petition under 37 CFR 1.144, filed October 20, 2006, requesting withdrawal of an improper restriction requirement.

BACKGROUND

A review of the file history shows that this application was filed on June 17, 2004, under 35 U.S.C. 111. The examiner mailed to applicants on January 3, 2006, a restriction requirement, wherein four distinct inventions (Groups I-IV) were identified and rationale set forth establishing the examiner's position. The claims were restricted as follows:

I. Claims 1-8 and 27-33, drawn to a conjugate comprising a polypeptide ligand bound to a receptor and an anticancer agent that is toxic to cancer cells, classified in class 530, subclass 350.

II. Claims 9-26, drawn to a purified nucleic acid segment encoding the conjugate comprising a ligand to a receptor and anticancer agent, classified in class 536, subclass 23.1.

III. Claims 34-39, drawn to a method of inducing tumor cell death in vivo comprising the step of contacting tumor cell with conjugate, classified in class 424, subclass 184.1 and class 514, subclass 2.

IV. Claims 40-43 drawn to a method of inhibiting growth of tumor contained in a subject by a subject depleting exogeneous methionine in a vicinity of cancer cells, classified in class 424, subclass 184.1.

An election of species within the elected invention was also required as follows:

A. Elect one single ligand in the conjugate listed in claims 2, 10, 16, 22, 35 or 41.
B. Elect one anticancer agent from L-methioninase or L-asparaginase.

Applicants' replied on February 3, 2006, electing Group IV (claims 40-43), wherein Species A is Urokinase A chain and Species B is L-methioninase, with traverse. Claims 34-35 and 40-41 were amended. Claims 1-33, drawn to Groups I and II, and claims 36-37, drawn to Group III, were canceled. Applicants argued that restriction between Groups III and IV is improper because both groups are classified in class 424, subclass 184.1, and therefore the searches would be coextensive. Applicants further asserted that the examiner did not provide any reason why the groups were distinct and argued that both Groups III and IV recited the single step of "contacting a population of tumor cells in vivo with a therapeutically effective amount of a conjugate comprising a ligand having the ability to bind to a receptor and L-methioninase coupled to the ligand".

The examiner mailed a new Office action on April 27, 2006, acknowledging the election of Group IV, wherein Species A is Urokinase A chain and Species B is L-methioninase, and the traversal. The examiner maintained the requirement and made it Final on the basis that Groups III and IV were unrelated and searches for the two inventions were not coextensive. Claims 34-35 and 38-39 were withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention. Claims 40 and 42-43 were rejected under 35 U.S.C. 112, first paragraph, for lack of enablement. Claims 40-43 were rejected under 35 U.S.C. 103(a) as being unpatentable over Lishko et al. in view of Jankun et al., Gurewich et al., and Argos P.

Applicants filed a response to the Non-final Office action on October 20, 2006, along with this petition asking review of the restriction requirement.

DISCUSSION

Applicants argue that the claims of Groups III and IV are not "independent". Applicants assert that the examiner did not provide any reason why the groups were distinct and argued that both Groups III and IV recites the single step of "contacting a population of tumor cells in vivo with a therapeutically effective amount of a conjugate comprising a ligand having the ability to bind to a receptor and L-methioninase coupled to the ligand".

Applicants are persuasive that the inventions of Groups III and IV are not independent. The inventions are "independent" (i.e., unrelated) if there is no disclosed relationship between the two or more inventions claimed, that is, they are unconnected in design, operation, and effect. In the instant case, such a relationship exists between the claims of Groups III and IV. Claims 34 and 40 are representative of the inventions of Groups III and IV, respectively (emphasis added).

> 34. (Amended) A method of inducing tumor cell death in vivo **comprising the step of: contacting a population of tumor cells in vivo with a therapeutically effective amount of a conjugate comprising a ligand having the ability to bind to a receptor and L-methioninase coupled to the ligand,** wherein the L-methioninase is bound to a surface of the cancer cells and is selectively toxic to cancer cells.
>
> 40. (Amended) A method to inhibit growth of a tumor contained in a subject by depleting exogenous methionine in a vicinity of cancer cells, **comprising the step of:**

contacting a population of tumor cells in vivo with a therapeutically effective amount of a conjugate comprising a ligand having the ability to bind to a receptor and L-methioninase coupled to the ligand, whereby exogenous methionine is thereby sufficiently depleted to reduce the tumor growth rate and enhance the chances or survival for the subject.

Groups III and IV are drawn to related processes since each group employs the same single recited step of "contacting a population of tumor cells in vivo with a therapeutically effective amount of a conjugate comprising a ligand having the ability to bind to a receptor and L-methioninase coupled to the ligand". Said step constitutes a common mode of operation for Groups III and IV.

Where two or more related invention are claimed, the principal question to be determined in connection with a requirement to restrict is whether or not the inventions as claimed are distinct. To support a requirement for restriction between two or more related process inventions, both two-way distinctness and reasons for insisting on restriction are necessary, i.e, separate classification, status in the art, or field of search. For related process inventions, the inventions are distinct if:

(A) the inventions as claimed do not overlap in scope, i.e., are mutually exclusive;
(B) the inventions as claimed are not obvious variants; and
(C) the inventions as claimed are either not capable of use together or can have a materially different design, mode of operation, function, or effect.

In the instant case, although the claims of Groups III and IV do not overlap in scope, the groups are obvious variants. It does not appear that the claim language or limitations result in a manipulative difference in the method steps of Groups III and IV. Both methods employ the single step of "contacting a population of tumor cells in vivo with a therapeutically effective amount of a conjugate comprising a ligand having the ability to bind to a receptor and L-methioninase coupled to the ligand". The "wherein" and "whereby" clauses of claims 34 and 40, respectively, are noted; however, said clauses do not convey limitations that would render the claims patentably distinct.

Applicants' argument that search and examination would not be unduly burdensome because Groups III and IV fall within the same class and subclass is noted. Searching the methods of inhibiting tumor growth and inducting tumor death, which is the ultimate inhibitionnof tumor growth, would appear to be significantly coextensive, and would not appear to impose a serious burden on the examiner.

DECISION

The petition is **GRANTED** for the reasons set forth above. Remaining Groups III and IV are rejoined and will be examined together.

The application will be forwarded to the examiner for consideration of the amendment filed October 20, 2006, and further action not inconsistent with this decision.

Should there be any questions about this decision please contact William R. Dixon, Jr., by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 703-308-3824 or by facsimile sent to the general Office facsimile number, 571-273-8300.

John LeGuyader
Director, Technology Center 1600
wrd/pl

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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MAR – 8 2005

STETINA BRUNDA GARRED & BRUCKER
75 ENTERPRISE, SUITE 250
ALISO VIEJO CA 92656

In re Application of	:	
Ishaq Suhail	:	
Serial No.: 10/870,841	:	PETITION TO MAKE SPECIAL
Filed: June 17, 2004	:	
Attorney Docket No.: BIOCL-003A	:	

This is in response to applicant's petition filed February 24, 2005, 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, II, (A), (B), and (C). The $130.00 petition fee as required by 37 CFR 1.17(h) will be charged to applicant's Deposit Account No. 50-2191, as directed. Therefore, the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact Marianne C. Seidel by letter addressed to the Director, Technology Center 1600, P.O. Box 1450, Alexandria, VA 22313-1450, or by telephone at 571-272-0584 or by facsimile transmission at the general Office facsimile number, (703) 872-9306.

Marianne C. Seidel
Special Program Examiner
Technology Center 1600

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20090804

DATE : November 19, 2009

TO SPE OF : ART UNIT 2431

SUBJECT : Request for Certificate of Correction on Patent No.: 6,986,059

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:

ok to enter

SPE: /William Korzuch/ **Art Unit** 2431

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

JUL 20 2005

DENNIS T. GRIGGS
17950 PRESTON ROAD
SUITE 1000
DALLAS TX 75252

In re Application of	:	
Carl A. DeSantis	:	
Serial No.: 10/870,846	:	DECISION ON PETITION
Filed: June 17, 2004	:	
For: Watch Cuff	:	

This is in response to applicants' petition filed February 4, 2005 to make the above-identified application special under the provisions of 37 CFR 1.102(c), based on the age of the applicant.

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

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

Should there be any questions with regard to this letter please contact Frederick Schmidt by letter addressed to the Director, Technology Center 3700, P.O. Box 1450 Alexandria, VA 22313-1450, or by telephone at (571) 272-2975 or by facsimile transmission at (571) 273-8300.

Frederick R. Schmidt, Director
Technology Center 3700

UNITED STATES PATENT AND TRADEMARK OFFICE

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

PATTON BOGGS LLP
8484 WESTPARK DRIVE
SUITE 900
MCLEAN, VA 22102

Mail Date: 04/21/2010

Applicant	: Anthony David Wondka	: DECISION ON REQUEST FOR
Patent Number	: 7588033	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/870,849	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/17/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **652** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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WELLS ST. JOHN P.S.
601 W. FIRST AVENUE, SUITE 1300
SPOKANE WA 99201

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DEC 0 3 2004

OFFICE OF PETITIONS

In re Application of :
Vallejos :
Application No. 10/870,869 : ON PETITION
Filed: June 16, 2004 :
Attorney Docket No. VA17-001 :
For: INDEPENDENT FRONT STEERING
SYSTEM FOR VEHICLES

This is a decision on the petition under 37 CFR 1.182, filed October 20, 2004, requesting that Figures 11 and 12, omitted from the initial filing on June 16, 2004, be entered in the above-identified application and that the application retain a filing date of June 16, 2004.

The petition under 37 CFR 1.182 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 application was filed on June 16, 2004. However, on August 20, 2004, The Office of Initial Patent Examination mailed a "Notice of Omitted Item(s) in a Nonprovisional Application" (Notice) stating that the application had been accorded a filing date of June 16, 2004, and advising applicant that Figures 11 and 12 referenced in the specification appeared to have been omitted.

In response, the present petition was filed. Petitioner argues that the figures should be entered and the application should retain a filing date of June 16, 2004 because Figures 11 and 12 do not constitute new matter

The mailing of the Notice permitted applicant to either: (1) promptly establish prior receipt in the PTO of the items at issue (generally by way of a date-stamped postcard receipt (MPEP 503)), or (2) promptly submit the omitted items in a nonprovisional application and accept the date of such submission as the application filing date. An applicant asserting that the missing items were in fact deposited in the PTO with the application papers must file a petition (and the appropriate

petition fee) with evidence of such deposit. An applicant desiring to submit the omitted items in a nonprovisional application and accept the date of such submission as the application filing date must file any omitted items with an oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items and a petition under 37 CFR 1.182 (with the petition fee under 37 CFR 1.17(h)) requesting the later filing date within two months of the date of the Notice (37 CFR 1.181(f)).

In this case, petitioner does not assert that the missing figures were actually deposited in the PTO on June 16, 2004. It is noted that petitioner never requests the date of submission of the drawings as the filing date of the application in either the petition or the supplemental oath/declaration filed on October 20, 2004.

Instead, petitioner asserts that Figures 11 and 12 are fully described in the specification filed on June 16, 2004 and do not contain new matter. Whether the later filed drawings contain new matter is not the issue. Either the drawings were present in the Office on the filing date of the application or they were not. If they were not present on the filing date, they cannot be considered a part of the original disclosure of the application.

Applicant does not allege in the petition that Figures 11 and 12 were present in the Office on June 16, 2004, and a review of the file confirms that Figures 11 and 12 were not present on June 16, 2004. Therefore, the application cannot be accorded a June 16, 2004 filing date with the drawings of Figures 11 and 12 as a part of the original disclosure. The issue of new matter is one appropriately addressed during prosecution of the application after the filing date of the application has been determined.

The examiner of record will review the amendment filed with the present petition requesting entry of Figures 11 and 12 and determine whether the additional sheet of drawing contains new matter (see MPEP 608.02(h)).

However, the filing date of the application remains June 16, 2004 without Figures 11 and 12 as part of the original disclosure.

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

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

By hand: U.S. Patent and Trademark Office
220 20th Street S.
Customer Window, Mail Stop Petition
Crystal Plaza 2, Lobby, Room 1B03
Arlington, VA 22202

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

The application is being returned to Initial Patent Examination Division for further processing with a filing date of **June 16, 2004**, and indication in Office records that 12 sheets of drawings were present on filing. Figures 11 and 12 will not be considered part of the original disclosure.

Thereafter, the application will be forwarded to Technology Center G.A.U. 3611 for the examiner to consider the amendment to the drawings filed with the instant petition.

Telephone inquiries specific to this matter 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
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GOODWIN PROCTER LLP
PATENT ADMINISTRATOR
EXCHANGE PLACE
BOSTON MA 02109-2881

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JUL 30 2007

OFFICE OF PETITIONS

In re Application of :
Berger et al. :
Application No. 10/870888 :
Filing or 371(c) Date: 06/17/2004 :
Attorney Docket Number: :
ADI-074C1 : ON PETITION

This is a decision on the "Petition to Withdraw Holding of Abandonment Under 37 CFR §1.181," filed May 18, 2007 (Certificate of Mailing dated May 16, 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 September 9, 2006. The Office action set a three (3) month period for reply. Extensions of time were available under 37 CFR 1.136(a). No response having been received, the application became abandoned December 10, 2006. A Notice of Abandonment was mailed May 2, 2007.

Applicant's Assertion

Applicant files the instant petition and asserts that a timely reply to the Office action was filed, including a one (1) month extension of time request and fee, on December 22, 2006, and received by this Office as evidenced by the copy of Applicant's return-receipt postcard. In support of this assertion, Applicant files a copy of the Reply and a copy of his return-receipt postcard acknowledging receipt by this Office of the Reply on December 26, 2006.

A review of the Reply reveals that the Reply contained a Certificate of Mailing under 37 CFR 1.8, certifying that the Reply was mailed to this Office on December 22, 2006. The Certificate of Mailing was executed by Linda Penta. Also, a review of Office finance records reveal that the fee for a one-month extension of time was received by check on December 26, 2006.

While a statement which attests on a personal knowledge basis to the timely mailing of the Reply from Ms. Penta has not been provided (See 37 CFR 1.8(b)(3)), the Certificate of Mailing, coupled with the copy of the return-receipt postcard, and Office finance records, demonstrate by a preponderance of the evidence that a timely Reply was filed.

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 3728 for processing of the Reply, and for continued processing in due course.

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

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

CHARLES C. MCCLOSKEY
763 S. New Ballas Rd. Ste. 170
St. Louis MO 63141

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FEB 19 2008

In re Application of	:	
Richard W. Pogue	:	
Application No. 10/870,892	:	ON PETITION
Filed: June 18, 2004	:	
Attorney Docket No. RP-2	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 26, 2007, to revive the above-identified application.

The petition is **DISMISSED**.

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

The application became abandoned for failure to reply in a timely manner to the Notice of Non-Compliant Amendment (37 CFR 1.121) action mailed January 25, 2006, which set a shortened statutory period for reply of one (1) month or thirty (30) days, whichever is longer. No extensions of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on February 28, 2006. The Notice of Abandonment was mailed August 17, 2006.

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

The amendment submitted with petition is non-compliant. None of the changes indicated in the non-compliant amendment notice mailed January 25, 2006 were made. Resubmit amendment with the appropriate corrections. A copy of the non-compliant amendment letter is enclosed with this decision.

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

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

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

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

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

Liana Walsh
Petitions Examiner
Office of Petitions

Enclosed: Copy of non-compliant amendment notice previously mailed

Notice of Non-Compliant Amendment (37 CFR 1.121)	Application No.	Applicant(s)	
	10/870,892	POGUE, RICHARD W.	
	Examiner	Art Unit	
	Rashmi K. Sharma	3651	

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

The amendment document filed on *07 January 2006* is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
  - ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other _____.
- ☐ 2. Abstract:
  - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other _____.
- ☐ 3. Amendments to the drawings:
  - ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - ☐ C. Other _____.
- ☒ 4. Amendments to the claims:
  - ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☒ E. Other: *See Continuation Sheet*.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf .

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted within the time period set forth in the final Office action.

2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action.

   Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

   Failure to timely respond to this notice will result in:
   Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or
   Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

GENE O. CRAWFORD
SUPERVISORY PATENT EXAMINER

Continuation of 4(e) Other: The status identifiers of claims 16-21 should be in parenthesis and claims 10-15 still do not have status identifiers.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

CHARLES C. MCCLOSKEY
763 S. New Ballas Rd. Ste. 170
St. Louis MO 63141

COPY MAILED

OCT 17 2008

OFFICE OF PETITIONS

In re Application of	:	
Richard W. Pogue	:	
Application No. 10/870,892	:	ON PETITION
Filed: June 18, 2004	:	
Attorney Docket No. RP-2	:	

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 **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice of Non-Compliant Amendment (37 CFR 1.121) action mailed January 25, 2006, which set a shortened statutory period for reply of one (1) month or thirty (30) days, whichever is longer. No extensions of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on February 26, 2006. The Notice of Abandonment was mailed August 17, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of $750 (previously filed); and (3) an adequate statement of unintentional delay (previously filed).

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.

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 3651 for appropriate action on the concurrently filed amendment.

Chris Bottorff
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
P.O.Box 1450
Alexandria, VA 22313-1450
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FROM DIRECTOR'S OFFICE

FEB 02 2007

TECHNOLOGY CENTER 3600

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

In re Application of:	:	DECISION ON REQUEST TO
Katsuhiko IWAZAKI et al.	:	PARTICIPATE IN PATENT
Application No.: 10/870,919	:	PROSECUTION HIGHWAY PILOT
Filed: June 21, 2004	:	PROGRAM AND PETITION TO
Attorney Docket No.: 119457	:	MAKE SPECIAL UNDER 37 CFR
	:	1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed December 4, 2006, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

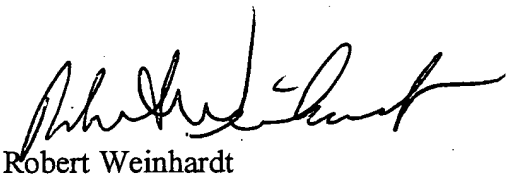
(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the Office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO Office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

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

Telephone inquires concerning this decision should be directed to Robert Weinhardt at 571-272-6633.

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

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



Robert Weinhardt
TC3600
Business Practice Specialist

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Griffin & Szipl, PC
Suite PH-1
2300 Ninth Street, South
Arlington, VA 22204

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JUL 11 2008

OFFICE OF PETITIONS

In re Application of	:	
Holger Klapproth et al.	:	
Application No. 10/870,986	:	DECISION ON PETITION
Filed: June 21, 2004	:	TO WITHDRAW
Attorney Docket No. STURK0015	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 19, 2008.

The request is **NOT APPROVED**.

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

The request cannot be approved because no reasons for withdrawal have been provided. The Office cannot, at this time, determine whether practitioner's request is one of the mandatory or permissive reasons enumerated in 37 CFR 10.40. Any subsequent requests must include reasons for withdrawal. Please note that there is a space provided for on PTO/SB/83 (Request to Withdraw as Attorney or Agent) to supply practitioner's reasons.

A courtesy copy of this decision is being mailed to applicant at the address noted in the Declaration for Patent Application.

It should also be noted that the customer number provided on the request is not of record in this application.

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

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272- 4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Raymond Wagenknecht
Biotech Beach Law Group, PC
625 Broadway, Ste. 1210
San Diego, CA 92101

cc: Holger Klapproth
Kehlerstrasse 12
Freiburg, Germany 79108

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Griffin & Szipl, PC
Suite PH – 1
2300 Ninth Street, South
Arlington, VA 22204

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AUG 13 2008

OFFICE OF PETITIONS

In re Application of :
Holger Klapproth et al. :
Application No. 10/870,986 : DECISION ON PETITION
Filed: June 21, 2004 : TO WITHDRAW
Attorney Docket No. STURK0015 : FROM RECORD
:

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 16, 2008.

The request is **moot because a revocation of power of attorney has been previously filed**.

A review of the file record indicates that the power of attorney to Joerg-Uwe Szipl and all attorneys/agents associated with customer number 24203 has been revoked by the assignee of the patent application on July 21, 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 Kimberly Inabinet at 571-272-4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Biotech Beach Law Group, PC
625 Broasway
Suite 1210
San Diego, CA 92101

UNITED STATES PATENT AND TRADEMARK OFFICE

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

33721
TORYS LLP
79 Wellington Street West, Suite 3000
Toronto, Ontario M5K 1N2
Canada

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SEP 19 2005

OFFICE OF PETITIONS

In re Application of
MYERS, Steven *et al*
Application No.: 10/870,990
Filing Date: June 21, 2004
Docket No.: 33500-2008
For: METHOD, SYSTEM AND COMPUTER PROGRAM FOR PROTECTING USER CREDENTIALS AGAINST SECURITY ATTACKS

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 31, 2005. The petition under 1.137(b) is hereby **DISMISSED** without prejudice.

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)." No additional petition fee is necessary.

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

(1) The reply required to the outstanding Office action or notice, unless previously filed.

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

(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional; and

(4) Any terminal disclaimer (and fee set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

Here, petitioners submitted the$750.00 petition fee and made the required statement of unintentional delay. No terminal disclaimer is required. However, the present petition does not satisfy requirement (1) above.

The above-identified application became abandoned for failure to file a timely reply to a Notice to File Corrected Application Papers ('Notice") mailed August 12, 2004. The Notice requested new drawings and an additional independent claim fee of $43.00. Petitioner submitted replacement drawings, the petition fee and made the required statement of unintentional delay. However, the fee for an independent claim increased to $100.00 on 08 December 2004. Petitioner submitted only $43.00 and failed to provide authorization to charge additional fees. Therefore, petitioner must provide the balance of $57.00 to satisfy item (1).

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

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

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

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

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

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

33721
TORYS LLP
79 Wellington Street West, Suite 3000
Toronto, Ontario M5K 1N2
Canada

COPY MAILED

DEC 16 2005

OFFICE OF PETITIONS

In re Application of
MYERS, Steven *et al*
Application No.: 10/870,990
Filing Date: June 21, 2004
Docket No.: 33500-2008
For: METHOD, SYSTEM AND COMPUTER PROGRAM FOR PROTECTING USER CREDENTIALS AGAINST SECURITY ATTACKS

DECISION

ON PETITION UNDER

37 CFR 1.137(b)

This is a decision on the "Renewed Petition Under 37 C.F.R. 1.137(b)" filed via facsimile on September 09, 2005.

The renewed petition under 1.137(b) is hereby **GRANTED**.

The above-identified application became abandoned for failure to file a timely reply to a Notice to File Corrected Application Papers ('Notice") mailed August 12, 2004. The Notice requested new drawings and an additional independent claim fee of $43.00.

The original petition filed May 31, 2005 was dismissed in a decision mailed September 19, 2005. Petitioner did not provide sufficient funds to pay the new independent claim fee and failed to provide authorization to charge additional fees. In the renewed petition, applicants submitted additional fees and authorization to charge any required fees to Deposit Account No. 50-2651. Thus, item (1) of 37 CFR 1.137(b) is now complete. Accordingly, all requirements of 37 CFR 1.137(b) have been satisfied.

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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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APR 28 2006

TECHNOLOGY CENTER 3600

OBLON, SPIVAK, MCCELLAND,
MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

In re application of
Snorre Kjesbu, et al
Application No. 10/871,026
Filed: June 21, 2004
For: SYSTEM AND METHOD FOR SETUP OF MEETINGS AND CONFERENCES

: **DECISION ON PETITION**
: **TO MAKE SPECIAL**
: **(ACCELERATED**
: **EXAMINATION)**

This is in response to the petition filed on March 3, 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.**

Kenneth J. Dunn for

Randolph A. Reese
Special Programs Examiner
Technology Center 3600
(571) 272-6619

RAR/dcg: 3/9/06

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MAILED

SEP 10 2004

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 3600

RICHARD C. LITMAN
LITMAN LAW OFFICES, LTD.
P.O. BOX 15035
ARLINGTON, VA 22215

In re application of
Arthur W. Loper
Application No. 10/871,028
Filed: June 21, 2004
For: COMPOUND HELICOPTER

DECISION ON PETITION TO MAKE SPECIAL (APPLICANT'S AGE)

This is a decision on the petition submitted on June 21, 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. Loper 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**.

Kenneth J. Dorner
Special Programs Examiner
Technology Center 3600
(703) 308-0866

KJD/slb: 9/05/04

Best Available Copy

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 6-10-10

TO SPE OF : ART UNIT 3685

SUBJECT : Request for Certificate of Correction for Appl. No.: 10871051 Patent No.: 7693797

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 – 9D10-E
Palm Location 7580

Omega Lewis
Certificates of Correction Branch
703-756-1575

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: _____

CALVIN HEWITT
SUPERVISORY PATENT EXAMINER

SPE

368
Art Unit

U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office

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

HICKMAN PALERMO TRUONG & BECKER/ORACLE
2055 GATEWAY PLACE
SUITE 550
SAN JOSE, CA 95110-1083

Mail Date: 04/21/2010

Applicant	: Venkat Ranga Reddy Tummalapalli	: DECISION ON REQUEST FOR
Patent Number	: 7617312	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/871,074	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/18/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **971** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : May 30, 2007

TO SPE OF : ART UNIT 2872

SUBJECT : Request for Certificate of Correction for Appl. No. 10/871078 patent no. 7139121

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: All changes approved for entry.
kcc 9/24/07

~~Stephone B. Allen~~
Supervisory Patent Examiner

Stephone Allen — 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

QUALCOMM INCORPORATED
5775 MOREHOUSE DR.
SAN DIEGO CA 92121

COPY MAILED

NOV 29 2007

OFFICE OF PETITIONS

In re Application of :
Tingfang Ji et al :
Application No. 10/871,084 : DECISION GRANTING PETITION
Filed: June 18, 2004 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 040059 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed November 27, 2007, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on November 12, 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 2617 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

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

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5775 MOREHOUSE DR.
SAN DIEGO, CA 92121

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OCT 0 2 2008

OFFICE OF PETITIONS

In re Application of :
Tingfang Ji et al :
Application No. 10/871,084 : ON PETITION
Filed: June 18, 2004 :
Attorney Docket No. 040059

This is a decision on the petition, filed October 1, 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 September 30, 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 2617 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

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

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

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OCT 09 2007

OFFICE OF PETITIONS

In re Application of Johnson :
Application No. 10/871,101 : Decision on Petition
Filing Date: June 18, 2004 :
Attorney Docket No. 013860-001810US :

This is a decision on the petition under 37 CFR 1.137(b), filed June 4, 2007, to revive the above-identified application.

The petition is **granted**.

The above-identified application became abandoned for failure to submit the issue fee and publication fee in a timely manner in reply to the Notice of Allowance mailed December 14, 2006, which set a statutory period for reply of three (3) months.

The last day the issue fee and publication fee could be timely paid was March 14, 2006.

The issue fee and publication fee were filed March 16, 2006.

Since the issue fee and publication fee were not timely paid, the application became abandoned on March 15, 2007.

A Notice of Abandonment was mailed on May 3, 2007.

The instant petition requests revival of the application.

Petitioner has submitted the required petition fee of $750. Petitioner paid the issue fee, paid the publication fee, and submitted an issue fee transmittal sheet on March 16, 2007. 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.

A review of the application file indicates the issue fee of $700, publication fee of $300, and advance order of copies fee of $9 were charged to petitioner's deposit account on March 19, 2007. The same fees were charged to the same deposit account June 5, 2007. The fees only need to be paid a single time. Therefore, $1,009 has been credited back to petitioner's deposit account.

The Office of Patent Publication will be informed of the instant decision and the application will be issued as a patent in due course.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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ALEXANDRIA, VA 22313-1450
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C. IRVIN MCCLELLAND
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

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DEC 0 6 2006
OFFICE OF PETITIONS

In re Application of :
Tomoharu Tanaka :
Application No. 10/871,110 : ON PETITION
Filed: June 21, 2004 :
Attorney Docket No.: 254739US2S :

This is a decision on the petition, filed December 5, 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 18, 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 2827 for further processing of the request for continued examination under 37 CFR 1.114.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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

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AUG 0 3 2009

OFFICE OF PETITIONS

ExxonMobil Research and Engineering Company
P.O. Box 900
Annandale NJ 08801-0900

In re Application of :
John T. Farrell et al. :
Application No. 10/871,116 : ON PETITION
Filed: June 18, 2004 :
Attorney Docket No. PEP-0407 :

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

The petition is **DISMISSED AS PREMATURE**.

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

A non-final Office action was mailed on October 9, 2008, which set a shortened statutory period for reply of three (3) months. A response was filed on March 31, 2009, along with fee for a three (3) month extension of time. As that response is now before the examiner, the application is not abandoned.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584. However, any inquires concerning the statue of the application should be directed to the Technology Center GAU 1797.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

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AUG 1 2 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: Odawara, et al.
Application No. 10/871,128
Filed: 18 June 2004

DECISION ON PETITION
FOR ACCELERATED
EXAMINATION UNDER
M.P.E.P.§708.02(VIII)

For: METHOD FOR DATA PROTECTION
IN DISK ARRAY SYSTEMS

This is a decision on the petition filed 24 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 **GRANTED**.

M.P.E.P. § 708.02, Section VIII which sets out the prerequisites for a grantable petition for Accelerated Examination under 37 C.F.R. § 102(d) states in relevant part:

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

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

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

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

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

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

Petition to Make Special **GRANTED** since all of the requirements for special status under MPEP § 708.02(VIII) have been met.

The application file is being forwarded to the Examiner for accelerated examination in accordance with the procedures set forth in M.P.E.P. §708.02, Section VIII. If the application is subsequently allowed, it will be given priority for printing. See M.P.E.P. §1309.

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

GO

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 01/03/07

TO SPE OF : ART UNIT 2628

SUBJECT : Request for Certificate of Correction for Appl. No.: **10/871140** Patent No.: **7034847**

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. 103

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: _____

KEE M. TUNG
SUPERVISORY PATENT EXAMINER

SPE 2628 **Art Unit**

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P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS CO 80527-2400

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APR 15 2005

OFFICE OF PETITIONS

In re Application :
Lakshminarayan, et al. :
Application No. 10/871,148 : ON PETITION
Filed: June 18, 2004 :
Attorney Docket No. 200209685-2 :
For: METHOD AND SYSTEM FOR DATA SEGMENTATION

This is a decision on the petition under 37 CFR 1.182, filed January 31, 2005, to correct the name of the first listed joint inventor.

The petition is **GRANTED**.

The first named inventor will be changed from the typewritten version – K. Lakshminarayan Choudur – to the signed version – Choudur K. Lakshminarayan. A replacement filing receipt reflecting this change is enclosed.

The current fee for filing a petition under 37 CFR 1.182 is $400.00. Deposit account no. 08-2025 will be charge this amount shortly.

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

The file is being forwarded to Technology Center G.A.U. 2167 for examination in due course.

Telephone inquiries concerning this matter may 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

enclosure: replacement filing receipt

cc: KEVIN K. JOHANSON
TRASKBRITT
P.O. BOX 2550
SALT LAKE CITY, UT 84110-2550

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United States Patent and Trademark Office
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TRASKBRITT, P.C.
P.O. BOX 2550
SALT LAKE CITY, UT 84110

Mail Date: 04/20/2010

Applicant	: Kyle K. Kirby	: DECISION ON REQUEST FOR
Patent Number	: 7649145	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/871,153	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/18/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **40** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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James J. Merrick
55 Griffin Road South
Bloomfield, CT 06002

MAILED

JUN 22 2005

Director's Office
Group 3700

In re Application of
Steven Vaites
Serial No. 10/871162
Filed: July 17, 2004

DECISION ON PETITION TO MAKE SPECIAL

For: SYSTEM AND METHOD FOR TANK PRESSURE COMPENSATION

Applicant's petition, filed September 30, 2004, seeks to have this application made Special based upon the Environmental Quality Program.

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(V) of the Manual of Patent Examining Procedure (MPEP).

PETITION GRANTED.

Richard A. Bertsch
Technology Center 3700
571-272-3750

rt/ 6/21/05

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DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

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

In re Application of
Hodaka Furuya, et al.
Application No. 10/871,175
Filed: June 18, 2004
For: **BACKUP SYSTEM AND METHOD FOR TAPE RECORDING MEDIUM**

DECISION ON PETITION
TO MAKE SPECIAL

This is a decision on the petition filed June 30, 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.

Dwayne Bost
Special Program Examiner
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

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HELLER EHRMAN LLP
4350 LA JOLLA VILLAGE DRIVE, 7TH FLOOR
SAN DIEGO, CA 92122

MAILED

APR 26 2010

OFFICE OF PETITIONS

In re Application of	:	
Nakamura et al.	:	DECISION ON PETITION
Application No. 10/871,186	:	TO WITHDRAW
Filed: June 18, 2004	:	FROM RECORD
Attorney Docket No. 39888-0001A	:	

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed February 25, 2010.

The request is **DISMISSED**.

A review of the file record indicates that Goodwin Procter LLP does not have power of attorney in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

A review of USPTO records reveals that the Power of Attorney filed November 18, 2008 was erroneously accepted on December 15, 2008. The Power of Attorney by Assignee submitted November 18, 2008 did not include a proper Statement under 37 CFR 3.73(b) since it did not include all assignees. Since no proper Statement under 37 CFR § 3.73(b) was submitted the request was improper. Accordingly, there is no Power of Attorney in the above-identified application. Further, the Correspondence Address will revert back to the address designated in the Oath/Declaration filed November 23, 2004. Therefore, all future communications from the Office will be directed solely to the above current address of record until proper instructions have been received.

Further, 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 Notice of Appeal was filed on October 27, 2009 and currently requires a further response.

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

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Goodwin Procter LLP
Attn: Patent Administrator
135 Commonwealth Drive
Menlo Park CA 94025-1105

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: X

DATE : **September 21,2007**

TO SPE OF : ART UNIT **2879**

SUBJECT : Request for Certificate of Correction for Appl. No.: **10/871,190** Patent No.: **7196469 B2**

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

With respect to the change(s) requested to correct Office and/or Applicant's errors, should the patent read as shown in the certificate of correction attached herewith or the COCIN document(s), in IFW images for the above-identified patented application? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

If the response is for an IFW, within 7 days, please complete and forward the response, to the employee (named below) via scanning into application images, using document code **COCX**.

DO NOT SENT TO ATTORNEY

If the response is for a paper file wrapper, please complete the response and forward the response with the paper file wrapper, to the employee (named below), within **7** days, to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

LAMONTE NEWSOME
Certificates of Correction Branch
703-308-9390 ext. 112

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

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

Comments: The requested correction takes care of typographical error and does not change the scope of claim and hence it is approved.

SPE

2879
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

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CANTOR COLBURN LLP
20 CHURCH STREET
22ND FLOOR
HARTFORD CT 06103

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OCT 23 2008

OFFICE OF PETITIONS

In re Application of :
Keiichi Sano :
Application No. 10/871,202 : DECISION ON PETITION
Filed: June 18, 2004 :
Attorney Docket No. YKI-0157 :

This is a decision on the petition to revive under 37 CFR 1.137(a), filed July 3, 2008, which is being treated as a petition under 37 CFR 1.181 to withdraw the holding of abandonment.

The petition is **GRANTED**.

The above-identified application was held abandoned for failure to timely file drawings in response to the Notice of Allowability mailed February 8, 2008. This Notice set a statutory period for reply of three (3) months to submit corrected drawings. The Office mailed a Notice of Abandonment on June 3, 2008.

Petitioner states that the Examiner informed him that Boxes 5 and 5a on the Notice of Allowability were incorrectly checked, and that no drawings were in fact required. The undersigned has contacted the Examiner, and confirmed this to be true.

In view thereof, **the holding of abandonment is withdrawn.**

The Notice of Allowability is hereby **VACATED.**

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

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

Cliff Congo
Petitions Attorney
Office of Petitions

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DOV ROSENFELD
5507 COLLEGE AVE
SUITE 2
OAKLAND, CA 94618

Mail Date: 04/21/2010

Applicant	: Fang Wu	: DECISION ON REQUEST FOR
Patent Number	: 7602846	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/871,206	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/18/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1312** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

Mail Date: 04/20/2010

Applicant	: James A. Parison	: DECISION ON REQUEST FOR
Patent Number	: 7654540	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/871,230	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/18/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **589** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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United States Patent and Trademark Office
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FISH & RICHARDSON PC
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

Mail Date: 05/17/2010

Applicant : James A. Parison
Patent Number : 7654540
Issue Date : 02/02/2010
Application No: 10/871,230
Filed : 06/18/2004

: 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 **629** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of patent term adjustment (PTA) days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days** from the mail date of this notice, whichever is longer, to file a request for reconsideration of this PTA calculation. See 35 U.S.C. § 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4).

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

Patentee should be aware that in order to preserve the right of review of the USPTO's PTA determination in the United States District Court for the District of Columbia, patentee must ensure that the steps required under 35 U.S.C. § 154 (b)(4) are taken in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. § 154(b)(4).

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Kilpatrick Stockton LLP,
1001 West Fourth Street
Winston-Salem, NC 27101

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SEP 22 2008

OFFICE OF PETITIONS

In re Application of :
Brian D. EDSTROM :
Application No. 10/871,234 : DECISION ON PETITION
Filed: June 18, 2004 : TO WITHDRAW
Attorney Docket No. 49942-294985 : 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 2, 2005.

The request is **MOOT**.

A review of the file record indicates that the power of attorney to KILPATRICK STOCKTON LLP, has been revoked by the assignee of the patent application on September 20, 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

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United States Patent and Trademark Office
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NELSON MULLINS RILEY & SCARBOROUGH LLP
IP DEPARTMENT
100 NORTH TRYON STREET
42ND FLOOR
CHARLOTTE, NC 28202-4000

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FEB 16 2010

In re Application of	:	
Brian D. EDSTROM	:	
Application No. 10/871,234	:	DECISION ON PETITION
Filed: June 18, 2004	:	TO WITHDRAW
Attorney Docket No. 49942-294985	:	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 9, 2009.

The request is **DISMISSED AS MOOT**.

A review of the file record indicates that the power of attorney to NELSON MULLINS RILEY & SCARBOROUGH LLP, has been revoked by the assignee of the patent application on August 26, 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 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

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CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA CA 91109-7068

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In re Application of	:	
Bertram A. Galch et al	:	
Application No. 10/871,239	:	DECISION ON PETITION
Filed: June 18, 2004	:	
Attorney Docket No. 52712/V212	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 15, 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 the issue and publication fees; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of Allowance mailed July 14, 2008, 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 Office of Data Management to be processed into a patent.

Karen Creasy
Petitions Examiner
Office of Petitions

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WONG, CABELLO, LUTSCH, RUTHERFORD & BRUCCULERI, L.L.P.
20333 SH 249 6th Floor
HOUSTON, TX 77070

Mail Date: 04/21/2010

Applicant	: Christopher Youngs Blaicher	: DECISION ON REQUEST FOR
Patent Number	: 7664790	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/871,240	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/18/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **490** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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Lawrence F. Grable
Tomlinson & O'Connell, P.C.
211 North Robinson, Suite 450
Oklahoma City, OK 73102

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OFFICE OF PETITIONS

In re Application of
Charles E. Seeney et al.
Application No. 10/871,243
Filed: June 18, 2004
Attorney Docket No. 9701-007

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed February 12, 2007.

The request is **APPROVED**.

A review of the file record indicates that Lawrence F. Grable of the firm McKinney & Stringer: (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, all the attorneys associated with customer number 28840 have been withdrawn from the present application and may not prepare or submit papers under 37 C.F.R. § 1.34, or correspond in any manner in this application unless appointed in an acceptable power of attorney under 37 C.F.R. § 1.32(b).

The 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. If the attorney noted on the request desires to receive future correspondence regarding the application, the proper power of attorney documents must be submitted.

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

There are no pending office actions in this case.

Telephone inquires concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

Frances Hicks
Petitions Examiner
Office of Petitions

cc: Charles E. Seeney
2504 Meadow View Road
Edmond, OK 73013

cc: Barbara K. Yuill
3033 N.W. 63rd Street
Suite 150
Oklahoma City, OK 73116

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/871,243	06/18/2004	Charles E. Seeney	9701-007

CONFIRMATION NO. 9878

OC000000023689740

28840
TOMLINSON & O'CONNELL, P.C.
TWO LEADERSHIP SQUARE
211 NORTH ROBINSON, SUITE 450
OKLAHOMA CITY, OK 73102

Date Mailed: 05/04/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/12/2007.

- 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.

Kimberly Gravinett

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

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Morgan, Lewis & Bockius LLP/Google
2 Palo Alto Square
3000 El Camino Real, Suite 700
Palo Alto, CA 94306

Mail Date: 04/20/2010

Applicant	: Jeffrey Dean	: DECISION ON REQUEST FOR
Patent Number	: 7650331	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/871,244	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/18/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **918** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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

1/17/08,

Patent No. :7196631
Inventor(s) : Dziekan et al.
Issued : 3/27/2007
Title : METHOD OF UTILIZING EXISTING FIRE ALARM SYSTEMS AND SMOKE DEETECTORS TO FIGHT TERRORISM
Atty.doc./File No.

Request for Certificates of Correction

Consideration has been given to your request for the issuance of a Certificate of Correction, for the above – identified patent under the provisions of CFR 1.322.

Inspection of the application for the patent reveals that title page item [54] [73] is printed in accordance with the record. Therefore being no fault on the Patent and Trademark Office, It has no authority to issue a certificate of correction under the provision of 1.322.

In view of the forgoing, your request in this matter, is hereby denied. However the remaining of the corrections will be corrected.

Future written correspondence concerning this matter should be filed and directed to Decisions & Certificates of Correction Branch.

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

MIKE DZIEKAN
CONNECTICUT ANALYTICAL CORPORATION
696 AMITY ROAD
BETHANY, CT 06524-3006

HR/CBN

UNITED STATES PATENT AND TRADEMARK OFFICE

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MORGAN LEWIS & BOCKIUS
3300 HILLVIEW AVENUE
PALO ALTO, CA 94304

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OFFICE OF PETITIONS

In re Application of	:	
Lewis B. Aronson et al	:	
Application No. 10/871,274	:	ON PETITION
Filed: June 18, 2004	:	
Attorney Docket No. 060900-5008-US	:	

This is a decision on the petition under 37 CFR 1.182, to change the name of the second named inventor from Stephen G. Hosking to Lucy G. Hosking.

The petition is granted.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

This matter is being referred to Technology Center AU 2633 for examination in due course.

A copy of the corrected filing receipt is enclosed.

Telephone inquires concerning this matter may be directed to Wan Laymon at (703) 306-5685.

Wan Laymon
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Enclosure: Corrected Filing Receipt.

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

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APR 03 2006

Technology Center 2100

REED SMITH LLP
3110 Fairview Park Drive
Suite 1400
Falls Church, Virginia 22042

In re Application of:
SASAKURA et al.
Application No. 10/871,279
Filed: June 21, 2004
For: POWER SUPPLY CONTROL SYSTEM AND STORAGE DEVICE

DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the petition, filed on 12 April 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 12 April 2005 meets all the criteria set out above.

Accordingly, the petition is **GRANTED**. The application 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

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Brian C. McCormack
Baker & McKenzie LLP
Patent Department
2001 Ross Avenue
Suite 2300
Dallas, TX 75201

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JAN 30 2007

Technology Center 2100

In re Application of: Lu et al.	)	
Application No. 10/871,286	)	**DECISION ON PETITION FOR**
Attorney Docket No. PLT-001	)	**ACCELERATED EXAMINATION**
Filed: June 17, 2004	)	**UNDER 37 CFR §1.102(d) AND MPEP**
For: JOB-CENTRIC SCHEDULING IN A GRID ENVIRONMENT	)	**§ 708.02(VIII): ACCELERATED EXAMINATION**
	)	

This is a decision on the petition, filed July 17, 2006, under 37 CFR § 1.102(d), in accordance with MPEP § 708.02(VIII), requesting the accelerated examination of the above identified application. The papers filed July 17, 2006 include a petition and the petition fee. An information disclosure statement (PTO-1449) was filed April 11, 2006 that contains a list of the references discussed in the petition.

Issues

In support of the petition, petitioners have provided statements about whether the claims are directed to a single invention, and that the International Search Authority (ISA) has conducted an international search. The petitioners also have included a discussion of the references that were identified "in furtherance of a corresponding application under the Patent Cooperation Treaty (PCT)." However, a review of the application papers does not reveal a claim for priority to any application filed under the PCT - either in the oath, the application data sheet or in the statement of related applications in the specification.

The pending U.S. application has independent claims 1, 6, and 18. It appears that Claim 6 is the broadest pending claim.[1]

Decision

According to the MPEP §708.02 (VIII), the prerequisites to be met by applicant for a grantable petition for Accelerated Examination under 37 CFR § 1.102(d) includes the following:

> *(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*

[1] Applicants are reminded that "[c]laims should preferably be arranged in order of scope so that the first claim presented is the least restrictive." MPEP 608.01(m)

> *as a prerequisite to the grant of special status. The election may be made by applicant at the time of filing the petition for special status. Should applicant fail to include an election with the original papers or petition and the Office determines that a requirement should be made, the established telephone restriction practice will be followed. If otherwise proper, examination on the merits will proceed on claims drawn to the elected invention. If applicant refuses to make an election without traverse, the application will not be further examined at that time. The petition will be denied on the ground that the claims are not directed to a single invention, and the application will await action in its regular turn. Divisional applications directed to the nonelected inventions will not automatically be given special status based on papers filed with the petition in the parent application. Each such application must meet on its own all requirements for the new 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* ***if the claims in the corresponding foreign application are of the same or similar scope to the claims in the U.S. application for which special status is requested;***
> *(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.***
> (Emphasis added.)

Petitioners' statement in Part I of the petition complies with the requirement in section (B) that an election be made at the time of the filing the petition for special status. However, the petition fails to fully comply with the requirements set forth in sections (C) and (E) above.

A search report has been submitted for an application of unknown relationship to the current application. Petitioners have also not provided any evidence that the claims that were submitted and searched by the ISA are the same claims as now pending in this U.S. application. Therefore, the petition fails to meet the requirement for section (C) of the guidelines found in MPEP §708.02 (VIII).

The petition is also deficient in submitting a detailed discussion of the references which points out with the particularity required under 37 CFR § 1.111 how the claimed subject matter is patentable over the references.

37 CFR § 1.111 which is entitled, "Reply by applicant or patent owner to a non-final Office action" states in relevant part:

> (b) In order to be entitled to reconsideration or further examination, the applicant or patent owner must reply to the Office action. The reply by the applicant or patent owner must be reduced to a writing which distinctly and specifically points out the supposed errors in the examiner's action and must reply to every ground of objection and rejection in the prior Office action. **The reply must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references.** If the reply is with respect to an application, a request may be made that objections or requirements as to form not necessary to further consideration of the claims be held in abeyance until allowable subject matter is indicated. The applicant's or patent owner's reply must appear throughout to be a bona fide attempt to advance the application or the reexamination proceeding to final action. **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) In amending in reply to a rejection of claims in an application or patent under reexamination, 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.
> (Emphasis added)

A review of petitioners' discussion of the references shows each discussion has the same problem. There are three independent claims pending in the application. Each discussion of the prior art is merely a brief statement relating to the subject matter of the reference, but without a detailed discussion of the cited reference relative to petitioners' claimed invention. ***General allegations are not acceptable.*** Applicants must make statements about the currently pending claimed invention, using the applicants' own claim language, and discuss each relevant reference in light of that language. These statements should be addressed to the scope from all the independent claims. This would be the same step applicants would take in responding to an examiner's Office action. If the examiner made a rejection using a reference, then applicants should respond with an argument as to what language or concept is found in the claim that is not found in the applied reference. This is the standard set forth in 37 CFR § 1.111. To be granted a petition to make special, petitioners must make a series of statements regarding the most relevant art as if the examiner had used those references to reject applicants' claims in an Office action.

Therefore, petitioners' analyses do not meet the standard of a detailed discussion which points out with the particularity required under 37 CFR § 1.111 how the claimed subject matter is patentable over the references.

The petition is **DISMISSED**.

The application file will continue to await examination in its proper turn based on its effective filing date. Petitioners are entitled to one opportunity to perfect the request in a renewed petition to make special. Such a request should be filed within two (2) months of the mailing date of this decision. Telephone inquiries should be directed to the undersigned at (571) 272-3567.

Josie A. Ballato
Work Group Quality Assurance Specialist (WQAS) for 2190
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
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/871,286	06/17/2004	Bingfeng Lu	PLT-011	1020

23562 7590 05/28/2008

BAKER & MCKENZIE LLP
PATENT DEPARTMENT
2001 ROSS AVENUE
SUITE 2300
DALLAS, TX 75201

EXAMINER	
TO, JENNIFER N	

ART UNIT	PAPER NUMBER
2195	

MAIL DATE	DELIVERY MODE
05/28/2008	PAPER

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

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

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United States Patent and Trademark Office
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Neil G. J. Mothew
Baker & McKenzie, LLP
2300 Trammell Crow Center
2001 Ross Avenue
Dallas TX 75201

MAILED

MAY 27 2008

Technology Center 2100

In re Application of:
Bingfeng Lu et al.
Application No. 10/871286
Filed: June 17, 2004
For: JOB-CENTRIC SCHEDULING IN A GRID ENVIRONMENT

DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the renewed petition, filed on November 30, 2007 under 37 C.F.R. §102(d) and M.P.E.P. § 708.02(VIII): Accelerated Examination, to make the above-identified application special.

The petition is **GRANTED**.

M.P.E.P. § 708.02, Section VIII which sets out the prerequisites for a grantable petition for Accelerated Examination under 37 C.F.R. § 102(d) states in relevant part:

> A new application (one which has not received any examination by the examiner) may be granted special status provided that applicant (and this term includes applicant's attorney or agent) complies with each of the following items:
>
> (A) Submits a petition to make special accompanied by the fee set forth in 37 CFR 1.17(h);
>
> (B) Presents all claims directed to a single invention, or if the Office determines that all the claims presented are not obviously directed to a single invention, will make an election without traverse as a prerequisite to the grant of special status;
>
> (C) Submits a statement(s) that a pre-examination search was made, listing the field of search by class and subclass, publication, Chemical Abstracts, foreign patents, etc. A search made by a foreign patent office satisfies this requirement;
>
> (D) Submits one copy each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and
>
> (E) Submits a detailed discussion of the references, which discussion points out, with the particularity required by 37 CFR 1.111 (b) and (c), how the claimed subject matter is patentable over the references.

> In those instances where the request for this special status does not meet all the prerequisites set forth above, applicant will be notified and the defects in the request will be stated. The application will remain in the status of a new application awaiting action in its regular turn. In those instances where a request is defective in one or more respects, applicant will be given one opportunity to perfect the request in a renewed petition to make special. If perfected, the request will then be granted. If not perfected in the first renewed petition, any additional renewed petitions to make special may or may not be considered at the discretion of the Group Special Program Examiner.

Applicant's submission of 30 March 2007 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.

/Gail Hayes/

Gail Hayes
Special Program Examiner/Quality Assurance Specialist
Technology Center 2100
Computer Architecture, Software, and
Information Security
571-272-3591

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Commissioner for Patents
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BAKER & MCKENZIE
ON BEHALF OF TSMC
2300 TRAMMELL CROW CENTER
2001 ROSS AVENUE, SUITE 2300
DALLAS, TX 75201

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AUG 14 2006

OFFICE OF PETITIONS

In re Application of :
Yue-Der Chih :
Application No. 10/871,292 : ON PETITION
Filed: June 17, 2004 :
Attorney Docket No. TSMC 2003-1326 :

This is a decision on the petition, filed May 9, 2006 under 37 CFR 1.137(b)[1], to revive the above-identified application.

The petition is **GRANTED**.

A Notice of Allowability, mailed October 13, 2005, required the submission of corrected drawings on or before January 13, 2006. This application became abandoned January 16, 2006. Accordingly, a Notice of Abandonment was mailed March 17, 2006.

This application is being forwarded to the Publishing Division for review of the drawings shown as having been received in the PTO on May 9, 2006.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

---

[1] 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 be met by the filing of a continuing application in a nonprovisional application abandoned for failure to prosecute, but must be the payment of the issue fee or any outstanding balance thereof in an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof;

(2) the petition fee required by 37 CFR 1.17(l);

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

(4) a terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) in a design application, a utility application filed before June 8, 1995, or a plant application filed before June 8, 1995.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 07/27/09

TO SPE OF : ART UNIT 2624

SUBJECT : Request for Certificate of Correction for Appl. No.: 10871294 Patent No.: 7369697 B2

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

Certificates of Correction Branch (C of C)
Randolph Square 9D40-D
Palm Location 7580
You can fax the Director's 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: _____

VIKKRAM BALI
SPE

2624
Art Unit

PTOL-306 (REV. 7/05) U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office

PAGE 2/2 * RCVD AT 7/30/2009 1:52:00 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-5/13 * DNIS:2709990 * CSID:5712730045 * DURATION (mm-ss):01-06

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CANTOR COLBURN, LLP
55 GRIFFIN ROAD SOUTH
BLOOMFIELD CT 06002

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AUG 2 3 2004

OFFICE OF PETITIONS

In re Application of
Mi-Kyung Kim et al.
Application No. 10/871,302
Filed: June19, 2004
Attorney Docket No. YPL-0093

ON PETITION

This is a decision on the petition under 37 CFR 1.183, filed on July 6, 2004, requesting that the requirements of 37 CFR 1.10 be waived and that the above-identified application be accorded a filing date of June 17, 2004.

Petitioners admit in the petition that the application was deposited with the U.S. Postal Service as Express Mail on June 19, 2004 but request that the requirements of 37 CFR 1.10 be waived in order to accord the application a filing date of June 17, 2004. The petition indicates that the application was prepared for mailing on June 17, 2004 but that an unavoidable situation occurred wherein the application materials were placed in a bin that was transported to the post office on June 17, 2004 but that the envelope that contained the application inadvertently fell out of the bin and was later located in the vehicle that transported the materials to the post office.

Under 37 CFR 1.183, the Commissioner may waive requirements of the rules so long as those requirements are not requirements of the statute.[1]

Under 35 U.S.C. § 111, the filing date of an application is defined as the date the specification and drawings are filed in the U.S. Patent and Trademark Office. Under 35 U.S.C. § 21, the Commissioner may by rule prescribe that any paper or fee required to be filed in the U.S. Patent and Trademark Office will be considered filed in the Office on the date on which it was deposited with the United States Postal Service or would have been deposited with the United States Postal Service but for postal service interruptions or emergencies designed by the Commissioner.

Since there were no postal service interruptions or emergencies designated by the Commissioner on June 17, 2004, the only basis under the statute for according this application a filing date of June 17, 2004, would be a showing that the application was deposited with the United States Postal Service on June 17, 2004.

---

[1] In re Kruysman, Inc., 199 USPQ 110 (Comm'r Pats. 1977).

However, applications admit, and the evidence supplied by the applicants indicates, that the application was not deposited with the United States Postal Service on June 17, 2004. As indicated above, a requirement of the statute cannot be waived by the Commissioner.

The petition is **DISMISSED**.

Accordingly, the application is being returned to the Office of Initial Patent Examination for further processing with a filing date of June 19, 2004.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (703)305-4497. Please be advised that the telephone number for the Office of Petitions will be changed to (571) 272-3282 effective September 28, 2004.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Krivitski, Nikolai M.	Atty. Docket:	86017.000040
Serial No.:	10/871,319	Examiner:	Kim, Yoon Young
Filed:	June 18, 2004	Art Unit:	1723
Title:	Method and Apparatus to Measure Blood Flow In Hemodialysis Shunts		

PETITION TO MAKE SPECIAL

Mail Stop Petition
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

This petition is filed pursuant to 37 CFR 1.102 for Advancement of Examination on the grounds of infringement under MPEP 708.02 II, and under MPEP 707.02 as the present application has an effective pendency of more than 5 years.

MPEP 707.02

The pending application, which is the subject of this petition, has a chain of dependency that relates back to US application 08/305,953 filed September 16, 1994, which application issued as US patent 5,685,989 on November 7, 1997.

As of the date of this petition, the total effective pendency of the present application is over 11 years and 3 months. The pendency of the presnt application, as stated in the present specification, is:

> The present application is a continuation of pending U.S. Ser. No. 10/355,944 filed Jan. 31, 2003 which is a continuation of U.S. Ser. No. 09/734,352 filed Dec. 11, 2000, now U.S. Pat. No. 6,514,419 issuing Feb. 4, 2003, which is a continuation of U.S. Ser. No. 09/348,130 filed Jul. 2, 1999, now U.S. Pat. No. 6,210,591 issuing Apr. 3, 2001, which is a continuation of U.S. Ser. No. 09/010,697 filed Jan. 22, 1998, now U.S. Pat. No. 6,153,109 issuing Nov. 28, 2000, which is a continuation-in-part

LORES 00000012 033875 10871319
130.00 DA

JAN 30 2006
PETITION GRANTED

William Krynski,
Special Program Examiner
Technology Center 1700

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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: ITO et al.
Application No. 10/871,341
Filed: June 18, 2004
For: REMOTE COPY METHOD AND REMOTE COPY 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 04 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 04 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 discussion fails to point out how each reference defines over each independent claim. Some of the limitations purported to distinguish the independent claims from the references are not in these claims. For example, none of the independent claims specify "minimizing or eliminating use of a volume in a second storage system for copying data when the data is copied from a first site to a third site".

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

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TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

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DEC 14 2005

Technology Center 2100

In re Application of: ITO, et al.
Application No. 10/871,341
Filed: June 18, 2004
For: REMOTE COPY METHOD AND REMOTE COPY 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 11 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 04 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 11 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**. However, 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 . . . .")

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

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J.C. PATENTS, INC.
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IRVINE, CA 92618

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JUL 24 2007

OFFICE OF PETITIONS

In re Application of :
Cheng-Hsien Kuo et al :
Application No. 10/871,359 : DECISION ON PETITION
Filed: June 18, 2004 :
Attorney Docket No. :
JCLA11075-CIP

This is a decision on the petition under 37 CFR 1.137(b), filed January 31, 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 January 25, 2006, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). A three month extension of time was obtained under the provisions of 37 CFR 1.136(a). Accordingly, the application became abandoned on May 26, 2006. A Notice of Abandonment was mailed on February 26, 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 and amendment, (2) the petition fee of $750, and (3) a proper statement of unintentional delay. Accordingly, the reply to the Office action of January 25, 2006 is accepted as being unintentionally delayed.

An extension of time fee of $570 was received on August 2, 2006. However, the reply and fee were not submitted within the maximum extendable period for reply; i.e., by July 25, 2006. *See* In re Application of S, 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $570 extension of time fee submitted on August 2, 2006 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account in due course.

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

This application is being referred to Technology Center AU 1732 for appropriate action in the normal course of business on the reply received January 31, 2007.

Frances Hicks
Petitions Examiner
Office of Petitions

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HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD, MA 01742-9133

Mail Date: 04/21/2010

Applicant	: Hong Yu	: DECISION ON REQUEST FOR
Patent Number	: 7660345	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/871,361	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/18/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1036** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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OFFICE OF PETITIONS

In re Application of :
John A. Regnier and Kevin P. Johnson :
Application No. 10/871,362 :
Filed: June 18, 2004 :
Attorney Docket No. 2479.2184-001 :
Title: ANTENNA STEERING METHOD AND APPARATUS FOR AN 802.11 STATION :

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

This is in response to the petition under 37 C.F.R. §1.47(a)[1], filed October 15, 2004[2].

On June 18, 2004, the application was deposited, identifying John A. Regnier and Kevin P. Johnson as joint inventors. No oath or declaration was included on filing. On August 13, 2004, a "Notice to File Missing Parts of Nonprovisional Application – Filing Date Granted" (Notice) was mailed, indicating that a fully executed oath or declaration, a surcharge of $65.00, the basic filing fee, and additional claim fees were required. This Notice set a two-month period for reply.

With the instant petition, Petitioner has also submitted the petition fee, the surcharge associated with the late submission of an oath or declaration, the basic filing fee, and the fee for the filing of additional claims. Petitioner has also included a declaration which has been executed by joint

1A grantable petition under 37 C.F.R. §1.47(a) requires:
(1) the petition fee of $130;
(2) a surcharge of either $65 or $130 if the petition is not filed at the time of filing the application, as set forth in 37 CFR § 1.16(e);
(3) a statement of the last known address of the non-signing inventors;
(4) either
a) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review and proof that the non-signing inventor refuses to join in the application or
b) proof that the non-signing inventor cannot be found or reached after diligent effort;
(5) a declaration which complies with 37 CFR §1.63.

2 The petition contains a certificate of mailing dated October 13, 2004.

inventor Johnson, the last known address of non-signing inventor Regnier, and copies of two letters which were sent to the non-signing inventor.

Petitioner has met each of the 5 requirements above.

The petition is **GRANTED** and this application is hereby accorded Rule §1.47(a) status.

As provided in Rule 1.47(a), this Office will forward notice of this application's filing to the non-signing inventor at the 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 application will be forwarded to Technology Center 2600 for further processing.

The general phone number for the Office of Petitions which should be used for status requests is (571) 272-3282. Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.

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

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John A. Regnier
1621 Henley Road, NW
Palm Bay, FL 32907

In re Application of

John A. Regnier and Kevin P. Johnson
Application No. 10/871,362

Filed: June 18, 2004
Attorney Docket No. 2479.2184-001
Title: ANTENNA STEERING METHOD AND APPARATUS FOR AN 802.11 STATION

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DEC 30 2004

LETTER

OFFICE OF PETITIONS

Dear Mr. Regnier:

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

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

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3225. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

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

cc: HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD MA 01742-9133

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HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD MA 01742-9133

COPY MAILED

JUL 23 2007

OFFICE OF PETITIONS

In re Application of :
John A. Regnier et al. :
Application No. 10/871,362 : DECISION ON PETITION
Filed: June 18, 2004 : TO WITHDRAW
Attorney Docket No. 2479.2184-001 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 11, 2006.

The request is **NOT APPROVED**.

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

The Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, "[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]" More specifically, 37 CFR 10.40 states, "[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is" for one the permissive reasons listed in 37 CFR 10.40(c). The reasons set forth in the request, ***the assignee has discharged Firm & requested transfer***, do 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 Terri Williams at 571-272-2991.

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Volpe and Koeing, P.C.**
United Plaza, Suite 1600
30 South 17th Street
Philadelphia, PA 19103

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HONEYWELL INTERNATIONAL, INC.
LAW DEPT. AB2
PO BOX 2245
MORRISTOWN, NJ 07692-9806

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SEP 13 2006
OFFICE OF PETITIONS

In re Application of :
Richard A. Smith :
Application No. 10/871,386 :
Filed: June 17, 2004 : ON PETITION
Attorney Docket Number: :
H0006886-0555 :

This is a decision on the Petition to Withdraw Holding of Abandonment, filed August 1, 2005. The petition is properly treated under 37 CFR 1.181. The delay in treating this petition is regretted.

The petition is **granted.**

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application papers, mailed August 18, 2004. Applicant filed seven (7) drawing pages including eleven (11) drawing Figures. The Notice required replacement drawings and informed Applicant that numbers, letters and reference characters on the drawings must measure at least 0.32cm. The Notice set a two (2) month period for reply, and provided for extensions of time under 37 CFR 1.136(a).

Applicant filed a

Applicant's Assertion

Applicant responds with the instant petition wherein Applicant asserts that a timely reply was filed on October 18, 2004. In support of this assertion, Applicant files a copy of the reply in the form of a preliminary amendment deleting Figure 11 of the drawings, which included a Certificate of mailing under 37 CFR

1.8 dated October 18, 2004. The Certificate of Mailing was executed by Petitioner herein.

In view of the foregoing, the holding of abandonment is hereby withdrawn.

No fee has been charged for the petition and none is due.

Applicant also files a Terminal Disclaimer and the fee for a Patent Term Adjustment ("PTA").

Applicant is advised that a Request for adjustment of a PTA is only available after this office determines whether a PTA is in order. Upon allowance of the application, this Office makes the determination of whether the application is entitled to a PTA. At that time - after the mailing of a Notice of Allowance and prior to the payment of the issue fee - applicant may petition under 37 CFR 1.705(b) requesting adjustment of the PTA. After the patent issues - within two (2) months of the issue date - a Patentee may petition under 37 CFR 1.705(d) requesting adjustment of the PTA.

Applicant should file a petition to withdraw the terminal disclaimer and include a request for a refund of the PTA fee.

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

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Woodard, Emhardt, Moriarty, McNett & Henry LLP
Roche Diagnostics
111 Monument Circle, Suite 3700
Indianapolis, IN 46204-5137

Mail Date: 04/20/2010

Applicant	: Henning Groll	: DECISION ON REQUEST FOR
Patent Number	: 7645421	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/871,403	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/18/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1370** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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Woodard, Emhardt, Moriarty, McNett & Henry LLP
Roche Diagnostics
111 Monument Circle, Suite 3700
Indianapolis, IN 46204-5137

Mail Date: 05/17/2010

Applicant : Henning Groll
Patent Number : 7645421
Issue Date : 01/12/2010
Application No: 10/871,403
Filed : 06/18/2004

: 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 **1423** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of patent term adjustment (PTA) days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days** from the mail date of this notice, whichever is longer, to file a request for reconsideration of this PTA calculation. See 35 U.S.C. § 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4).

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

Patentee should be aware that in order to preserve the right of review of the USPTO's PTA determination in the United States District Court for the District of Columbia, patentee must ensure that the steps required under 35 U.S.C. § 154 (b)(4) are taken in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. § 154(b)(4).

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SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
333 SOUTH HOPE STREET
48TH FLOOR
LOS ANGELES CA 90071-1448

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JUL 19 2007

OFFICE OF PETITIONS

In re Application of :
Kuo-Chuan Liu :
Application No. 10/871,405 : DECISION ON PETITION
Filed: 06-18-2004 :
Attorney Docket No. 02EK-110069 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 6, 2007, 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 Monday, June 25, 2007, as required by the Notice of Allowance and Fee(s) Due, mailed March 23, 2007. Accordingly, the date of abandonment of this application is June 24, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1,400.00 and the publication fee of $300.00, (2) the petition fee of $1,500.00; and (3) a proper statement of unintentional delay.

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

This application is being referred to Publishing Division for processing into a patent.

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

Date : May 28, 2008

Patent No. :7,205,158
Inventor(s) :Pankratz et al.
Issued : April 17, 2007
Title METHOD FOR ASPIRATION OF A LIQUID SAMPLE

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 and 1.323.

Accordingly inventors names 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.

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), after issuance of the patent.

Mary Diggs, Supervisor
of Correction Branch
(703) 308-9390 or (703) 308-9390 Ext. 123

Siemens Healthcare Diagnotics Inc.
Law and Patents
1717 Deerfield Road

/ag

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 02-14-09

TO SPE OF : ART UNIT 1743

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/871409 Patent No.: 7205158

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

Certificates of Correction Branch
703-308-9390 ext. 123

Thank You For Your Assistance

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

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

Comments: _____

_____

_____

_____

_____

SPE **Art Unit** 1797

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WILMER CUTLER PICKERING HALE AND DORR LLP
60 STATE STREET
BOSTON MA 02109

MAILED

JUL 2 8 2005

Technology Center 2100

In re Application of: KALAVADE, et al.
Application No. 10/871,413
Filed: June 18, 2004
For: Wi-Fi SERVICE DELIVERY PLATFORM FOR RETAIL SERVICE PROVIDERS

DECISION ON PETITION TO MAKE SPECIAL (ACCELERATED EXAMINATION) UNDER M.P.E.P. §708.02 (VIII)

This is a response to the petition filed April 04, 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

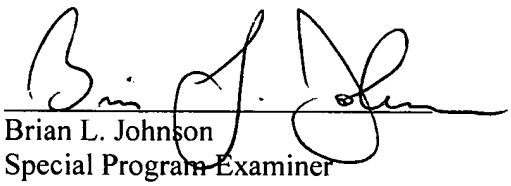
(e) Submits a detailed discussion of the references, which discussion points out, with the particularity required by 37 CFR 1.111 (b) and (c), how the claimed subject matter is patentable over the references.

The petition filed April 04, 2005 fails to adequately meet requirements (c) and (e) of the criteria set forth above. With respect to (c), Petitioner must provide a statement 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. The Petitioner fails to list the field of search by class and subclass. With respect to requirement (e), applicant must provide a detailed discussion of reference documents (for example, U. S. Patent 5,761,425 to Miller) since applicant has deemed it as one of the most closely related references. As to U. S. Patent 5,761,425 to Miller, the Petitioner has merely provided a terse discussion as to how the method and/or system function. However, the submission does not satisfy the requirement, as it does not provide a **detailed discussion** of the reference (with reference to Page Numbers or figures, for example) and it does not point out how the language of **each of the independent claims** are specifically distinguishable and patentable over the references. For example, and contrary to Petitioner's remarks, the recitation "establishment of a secure link between...." Does not appear in the independent claims of the instant application. Petitioner should review all references cited in the Petition and ensure that the above discussion is directed to how the language of **each of the independent claims** are specifically distinguishable and patentable from the references provided in requirement (d) above. The statement that the reference shares the same deficiencies as another reference is not sufficient to meet the requirement of a detailed discussion as required by 37 CFR 1.111 (b) and (c).

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

RP

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TECHNOLOGY CENTER 2100

WILMER CUTLER PICKERING HALE AND DORR LLP
60 STATE STREET
BOSTON MA 02109

In re Application of: KALAVADE, et al.
Application No. 10/871,413
Filed: June 18, 2004
For: WI-FI SERVICE DELIVERY PLATFORM FOR RETAIL SERVICE PROVIDERS

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 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 renewed petition was filed in response to a dismissal of the original petition filed 04 April 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:

. . .

(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;

. . .

(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 original petition was dismissed for failing to meet requirements (c) and (e).

The deficiency regarding requirement (c) has been overcome in the renewed petition filed 28 September 2005.

However, the renewed petition filed 28 September 2005 still fails to adequately meet requirement (e). The detailed discussion of the references is still not sufficient. The dismissal of the original petition indicated that a detailed discussion of the references was required with reference to page numbers or figures, for example. The discussions of Miller, Nordman, and Leon all fail to point to specific sections of the references, e.g., by citing either column and line numbers or paragraph numbers or figures of the references. Also, in the discussion of Kalavade, independent claims 38 and 117 are not distinguished from the references. Petition to Make Special **DENIED**.

The application will be returned to the examiner's docket to await treatment on the merits in the normal order of examination.

for

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
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WARNER, NORCROSS & JUDD
IN RE: ALTICOR INC.
INTELLECTUAL PROPERTY GROUP
111 LYON STREET, N. W. STE 900
GRAND RAPIDS MI 49503-2489

COPY MAILED

SEP 21 2007

OFFICE OF PETITIONS

In re Application of
David W. Baarman et al.
Application No. 10/871,420
Filed: June 18, 2004
Attorney Docket No. 120270.120503-001

: DECISION ON PETITION
: UNDER 37 CFR 1.78(a)(3)
: and 37 CFR 1.78(a)(6)
:

This is a decision on the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed February 23, 2007, to accept an unintentionally delayed claim under 35 U.S.C. §§120 and 119(e) for the benefit of the prior-filed applications set forth in the concurrently filed amendment.

The petitions are **GRANTED.**

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

(1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

This nonprovisional application was pending at the time of filing of the reference to the prior-filed provisional application as required b 37 CFR 1.78(a)(5)(ii). Additionally, the intermediate non-provisional applications, Application Nos. 10/689,375, 10/689,148, 10/689,154 and 10/689,224 all filed October 20, 2003, were filed within twelve months

of the filing date of the prior-filed provisional application, Application no. 60/644,794, which was filed on February 4, 2003, for which priority is claimed.

All of the above requirements having been satisfied, the late claims for priority under 35 U.S.C. § 120 and 119(e) are accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) should not be construed as meaning that the instant application is entitled to the benefit of the filing date of the prior-filed applications. In order for the instant application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. §§120 and 365(c) and 1.78(a)(1) and (a)(2) and under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the instant application is entitled to the benefit of the earlier filing date.

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

Any questions concerning this matter may be directed to Senior Petitions Attorney Patricia Faison-Ball at (571) 272-3212. 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 AU 2838 for appropriate action on the amendment submitted February 23, 2007, including consideration by the examiner of the claim under 35 U.S.C. § 120 and 119(e) for the benefit of priority to the prior-filed applications.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

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APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	TOT CLMS	IND CLMS
10/871,420	06/18/2004	2838	1184	120270.120503-001	31	4

CONFIRMATION NO. 1616

CORRECTED FILING RECEIPT

OC000000025939301

28440
WARNER, NORCROSS & JUDD
IN RE: ALTICOR INC.
INTELLECTUAL PROPERTY GROUP
111 LYON STREET, N. W. STE 900
GRAND RAPIDS, MI 49503-2489

Date Mailed: 09/20/2007

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

Applicant(s)

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Domestic Priority data as claimed by applicant

This application is a CIP of 10/357,932 02/04/2003 PAT 7,126,450
which is a CIP of 10/133,860 04/26/2002 PAT 6,731,071
and is a CIP of 09/592,194 06/12/2000 PAT 6,436,299
and is a CIP of 10/246,155 09/18/2002 PAT 6,825,620
and is a CIP of 10/175,095 06/18/2002 PAT 6,673,250
which is a CIP of 09/592,194 06/12/2000 PAT 6,436,299
which claims benefit of 60/140,159 06/21/1999
and claims benefit of 60/140,090 06/21/1999
and said 10/357,932 02/04/2003
is a CIP of 29/165,043 08/02/2002 PAT D,476,095
and is a CIP of 29/165,008 08/02/2002 PAT D,479,356
and is a CIP of 29/165,012 08/02/2002 PAT D,476,094

and is a CIP of 29/165,005 08/02/2002 PAT D,479,892
and is a CIP of 29/165,009 08/02/2002 PAT D,475,471
and is a CIP of 29/165,011 08/02/2002 PAT D,478,834
This application 10/871,420
is a CIP of 10/689,148 10/20/2003
which claims benefit of 60/444,794 02/04/2003
and is a CIP of 10/175,095 06/18/2002 PAT 6,673,250
which is a CIP of 09/592,194 06/12/2000 PAT 6,436,299
which claims benefit of 60/140,159 06/21/1999
and claims benefit of 60/140,090 06/21/1999
This application 10/871,420
is a CIP of 10/689,154 10/20/2003 ABN
and is a CIP of 10/689,224 10/20/2003 PAT 7,132,918
which is a CIP of 10/357,932 02/04/2003 PAT 7,126,450
This application 10/871,420
is a CIP of 10/689,375 10/20/2003
which claims benefit of 60/444,794 02/04/2003
and is a CIP of 10/357,932 02/04/2003 PAT 7,126,450

Foreign Applications

If Required, Foreign Filing License Granted: 08/04/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/871,420

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Vehicle interface

Preliminary Class

320

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).

DATE 9/20/07 APPLICATION NUMBER 10/871,420

DOC CODE BLB DOC DATE _____

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

Please Enter - AB 6/16/2009

1. (Currently Amended) A system for supplying power from a primary coil side to a plurality of remote devices, the system comprising:

an inductive power supply having a primary coil for supplying power to at least one of the plurality of remote devices, the inductive power supply having a communication system for communicating with the at least one of the plurality of remote devices;

a data network including a controller and the inductive power supply; and

wherein the controller is located on the primary coil side and is configured to 1) obtain power usage information for the at least one of the plurality of remote devices; 2) determine whether power can be supplied to the at least one of the plurality of remote devices as a function of the obtained power usage information; 3) adjust power consumption characteristics of the system in response to a determination that power cannot be supplied to the at least one of the plurality of remote devices.

2. (Previously Presented) The system of claim 1 wherein the power consumption characteristics include an amount of power consumption of one or more of the plurality of remote devices.

3. (Currently Amended) A vehicle interface for providing power from a primary coil side to at least one of a plurality of remote devices and communicating with the at least one of the plurality of remote devices, the vehicle interface comprising:

a holder for containing the at least one of the plurality of remote devices;

an inductive power supply, the inductive power supply having a primary coil, the primary coil placed proximal to the holder;

a communication system located on the primary coil side for enabling communication with the at least one of the plurality of remote devices, the communication

system receives power usage information from the at least one of the plurality of remote devices; and

a controller located on the primary coil side configured to use the power usage information to 1) determine the power requirements of the at least one of the plurality of remote devices; and 2) reconfigure the vehicle interface to power the at least one of the plurality of remote devices as a function of the determined power requirements.

4. (Original) The vehicle interface of claim 3 where the holder is configured to fit within a console of a vehicle.

5. (Previously Presented) The vehicle interface of claim 3 where each of the plurality of remote devices are selected from the group comprising a device located in a trunk of the vehicle, a device located in an overhead console of the vehicle, a device located in a seat back of the vehicle, a device located in a glove compartment of the vehicle and a device located in a side door storage area of the vehicle.

6. (Previously Presented) The vehicle interface of claim 3 where the vehicle has a vehicle data bus, and the vehicle interface is connectable to the vehicle data bus via a gateway controller coupled to the vehicle interface, the gateway controller manages communication between the vehicle interface and the vehicle data bus.

7. (Previously Presented) The vehicle interface of claim 3 wherein the communication system includes a transceiver for communicating with the plurality of remote devices.

8. (Previously Presented) The vehicle interface of claim 3 wherein the power usage information is selected from the group comprising: actual voltage, actual current, power requirements, a device ID or any combination thereof.

9. (Currently Amended) A power supply and communication system for a vehicle for providing power from a primary coil side to at least one of a plurality of remote devices, the power supply and communication system comprising:

an inductive power supply located on the primary coil side for inductively supplying power to the at least one of the [a] plurality of remote devices; and

a communication system located on the primary coil side enabling communications between the at least one of the plurality of remote devices and the vehicle, wherein the communication system is configured to 1) periodically receive power usage information from the at least one of the plurality of remote devices; 2) determine whether the power usage information has changed; and 3) reconfigure the inductive power supply in response to a determination that the power usage information has changed.

10. (Previously Presented) The power supply and communication system of claim 9 where the communication system comprises a transceiver for communicating with the plurality of remote devices.

11. (Previously Presented) The power supply and communication system of claim 10 further comprising a vehicle data bus and a communication controller for controlling communication between the plurality of remote devices and the vehicle data bus.

12. (Previously Presented) The power supply and communication system of claim 9 where the communication system comprises a power line communication protocol using the inductive power supply.

13. (Previously Presented) The power supply and communication system of claim 10 where the transceiver includes an antenna for wireless communication with the remote device.

14. (Original) The power supply and communication system of claim 13 where the transceiver communicates with the power supply and communication system by way of a wireless protocol.

15. (Previously Presented) The power supply and communication system of claim 14 where the inductive power supply includes an inverter and a primary.

16. (Previously Presented) The power supply and communication system of claim 15 where inductive power supply includes a drive circuit for driving the inverter.

17. (Original) The power supply and communication system of claim 16 where a power regulator is coupled to the vehicle power supply and to the inverter.

18. (Previously Presented) The power supply and communication system of claim 17 further comprising a holder for receiving one of the plurality of remote devices.

19. (Original) The power supply and communication system of claim 18 where the holder has a perimeter, and the primary is contained within the perimeter.

20. (Original) The power supply and communication system of claim 19 where the primary is adaptable to supply power to the remote device regardless of the orientation of the remote device.

21. (Previously Presented) The power supply and communication system of claim 20 where the transceiver can communicate with the plurality of remote devices regardless of the orientation of the plurality of remote devices.

22-31. (Cancelled)

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WARNER, NORCROSS & JUDD
IN RE: ALTICOR INC.
INTELLECTUAL PROPERTY GROUP
111 LYON STREET, N. W. STE 900
GRAND RAPIDS, MI 49503-2489

Mail Date: 04/21/2010

Applicant	: David W. Baarman	: DECISION ON REQUEST FOR
Patent Number	: 7612528	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/871,420	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/18/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **670** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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OFFICE OF PETITIONS

VIDAS, ARRETT & STEINKRAUS, P.A.
SUITE 400, 6640 SHADY OAK ROAD
EDEN PRAIRIE MN 55344

In re Patent No. 7,585,318
Issued: September 8, 2009
Application No. 10/871,443
Filed: June 18, 2004
Attorney Docket No.
S63.2B-11281-US01

: DECISION ON REQUEST
: FOR RECONSIDERATION
: OF PATENT TERM ADJUSTMENT
: AND
: 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, filed on November 9, 2009, requesting that the patent term adjustment indicated on the above-identified patent be corrected from 959 days to 1482 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, considering the 290 days of overlap, is adjusted by one thousand four hundred eighty-two (1482) days and is **GRANTED**.

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **one thousand four hundred eighty-two (1482)** days.

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Patricia Faison-Ball at (571) 272-3212.

/Kery A. Fries/

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

Enclosure: Copy of DRAFT Certificate of Correction

DRAFT

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,585,318 B2

DATED : September 8, 2009

INVENTOR(S) : Leo M. Klisch

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 (959) days

Delete the phrase "by 959 days" and insert – by 1482 days--

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Samuel E.Webb
STOEL ROVES LLP
600 University Street
Suite 3600
Seattle, WA 98101

Mail Date: 04/21/2010

Applicant	: Robert M. Gale	: DECISION ON REQUEST FOR
Patent Number	: 7622136	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/871,458	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/18/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **3** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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Samuel E.Webb
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600 University Street
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Seattle, WA 98101

Mail Date: 05/18/2010

Applicant : Robert M. Gale
Patent Number : 7622136
Issue Date : 11/24/2009
Application No: 10/871,458
Filed : 06/18/2004

: 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 **60** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of patent term adjustment (PTA) days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days** from the mail date of this notice, whichever is longer, to file a request for reconsideration of this PTA calculation. See 35 U.S.C. § 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4).

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

Patentee should be aware that in order to preserve the right of review of the USPTO's PTA determination in the United States District Court for the District of Columbia, patentee must ensure that the steps required under 35 U.S.C. § 154 (b)(4) are taken in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. § 154(b)(4).

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Woodard, Emhardt, Moriarty, McNett & Henry LLP
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111 Monument Circle, Suite 3700
Indianapolis, IN 46204-5137

Mail Date: 04/20/2010

Applicant	: Henning Groll	: DECISION ON REQUEST FOR
Patent Number	: 7604721	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/871,489	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/18/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1127** 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.

OIPE JC1699 SEP 2 8 2004 PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE: APPLICATION OF
LOREN M. COLLINS

SERIAL NO.: 10/871,490

FILED: JUNE 21, 2004

FOR: APPARATUS AND METHOD FOR ANTI-SKID FLAME BLOCKER THERMAL BARRIER

JAN 19 2005
PETITION GRANTED

Richard Crispino
Special Program Examiner
TC 1700

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

PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(c)

Loren M. Collins inventor of the above application, makes this petition to make special under 37 CFR 1.102(c) to advance examination of the above application on the grounds the applicant's age is sixty-five (65) or more.

Loren M. Collins avers there he was born in Asheville, North Carolina on June 25, 1936. As such, he is currently sixty-eight (68) years old. In support of this petition please find the attached certified copy of the Birth Certificate of Loren M. Collins.

Accordingly, it is respectfully submitted that this application is in condition for advancement of examination and such action is respectfully requested.

Sincerely,
CRAVEN & REID, LLC

W. Pete Reid
Registration No. 52,160

CRAVEN & REID, LLC
12 E. Stone Avenue
Greenville, S.C. 29601
Tel. No. (864) 242-9934

09/29/2004 WABDELR1 00000033 10871490 130.00 OP
01 FC:1460

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Mail Date: 05/17/2010

Applicant	: Marc H. Hedrick	: DECISION ON REQUEST FOR
Patent Number	: 7651684	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 10/871,503	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/18/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1091** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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

Mail Date: 04/20/2010

Applicant	: Guido Agostinelli	: DECISION ON REQUEST FOR
Patent Number	: 7659475	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/871,531	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/17/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1061** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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COURTNEY STANIFORD & GREGORY LLP
P.O. BOX 9686
SAN JOSE CA 95157

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OFFICE OF PETITIONS

In re Application of	:	
Raman K. Rao et al	:	
Application No. 10/871,548	:	DECISION GRANTING PETITION
Filed: June 18, 2004	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. IPHD.P28	:	

This is a decision on the petition under 37 CFR 1.137(b), filed March 30, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Nonfinal Rejection of January 30, 2006, is accepted as having been unintentionally delayed.

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

This matter is being referred to 2617.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

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Alexandria, VA 22313-1450
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LAHIVE & COCKFIELD, LLP.
28 STATE STREET
BOSTON MA 02109

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JUN 15 2005

OFFICE OF PETITIONS

In re Application of :
Audley Legore :
Application No. 10/871,549 : DECISION ACCORDING STATUS
Filed: June 18, 2004 : UNDER 37 CFR 1.47(b)
Attorney Docket No. NBI-152 :

This decision is in response to the petition filed March 9, 2005 under 37 CFR 1.47(b).

The petition is **GRANTED**.

The above-identified application was filed June 18, 2004 naming Audley Legore as the sole inventor but without an executed Oath or Declaration. A Notice to File Missing Parts was mailed August 9, 2004 and in response, the instant petition and request for five month extension of time was filed. The petition seeks status under 37 CFR 1.47(b) because the inventor has by his actions, refused to execute the oath or declaration and thus to cooperate with the filing of the application.

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.

Petitioners have shown that the application papers were forwarded to the non-signing inventor two times, returned unexecuted the first time and the second delivery was refused. Petitioners have also included the last known address for Mr. Legore, have shown proprietary interest by providing a copy of the "Confidentiality Agreement" executed by Mr. Legore, which shows that the inventor had an obligation to assign any patent rights to NeuroChem, Inc. Finally, petitioner has submitted a declaration in compliance with 37 CFR 1.63 and 1.64 and has demonstrated that such action is necessary to prevent irreparable damage.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(b). In view thereof, this application is hereby accorded Rule 1.47(b) 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.

This matter is being referred Technology Center 1615 for examination in due course.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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JUN 15 2005

OFFICE OF PETITIONS

AUDLEY LEGORE
839 CONNAUGHT STREET
CHOMEDEY, LAVAL, QUEBEC
H7W 1N8 CANADA

In re Application of
Audley Legore
Application No. 10/871,549
Filed: June 18, 2004
For: PHARMACEUTICAL FORMULATIONS OF AMYLOID INHIBITING COMPOUNDS

Dear Mr. Legore:

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

As the 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 Petitions Attorney at (571) 272-3212. 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).

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

cc:

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

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3-13-07

Mailed:

In re application of	:	
Jin-Woo Park	:	DECISION ON
Serial No. 10/871,571	:	PETITION
Filed: June 21, 2004	:	
For: ENCAPSULATED ORGANIC ELECTROLUMINESCENT DISPLAY		

This is a decision on the PETITION UNDER 37 CFR 1.181 TO WITHDRAW THE FINALITY OF THE OFFICE ACTION, filed mailed March 5, 2007.

On January 5, 2007, a final office action was mailed by the examiner in response to applicant's amendment, filed October 3, 2006.

Applicant's position for the withdrawal of the finality is that no complete and proper office action as been established between the examiner and applicants, since claims 22-24 were only rejection under 112, 1st paragraph for containing new matter and thus were never examined on the merits. It is also the position of applicant that the office action fails to discuss all of the limitations of the claims, specifically that the limitations in claim 4 were never addressed in the office action.

DECISION

Section 706.07 of the MPEP states:

Under present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p).

Before final rejection is in order a clear issue should be developed between the examiner and applicant. To bring the prosecution to as speedy conclusion as possible and at the same time to deal justly by both the applicant and the public, the invention as disclosed and claimed should be thoroughly searched in the first action and the references fully applied; and in reply to this action the applicant should amend with a view to avoiding all the grounds of rejection and objection. Switching from one subject matter to another in the claims presented by applicant in successive amendments, or from one set of references to another by the examiner in rejecting in successive actions claims of substantially the same subject matter, will alike tend to defeat attaining the goal of reaching a clearly defined issue for an early termination, i.e., either an allowance of the

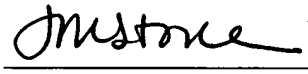
application or a final rejection.

Petitioner first argues that the final office action is incomplete, because it is asserted that the examiner refused to examine claims 22-24 on the merits, since it was believed by the examiner that they contained new matter. This argument is not persuasive. There is nothing on the record that would suggest that the examiner did not consider claims 22-24 on the merits. In fact, the examiner specifically addresses the applicant's concern to this matter in paragraph 1 of the office action of January 5, 2007. The examiner indicates that there is no prior art rejection on claims 22-24, but that there is a 112, 1st paragraph rejection set forth, and subsequently sets forth the 112, 1st paragraph rejection. This is a clear indication that claims 22-24 were examined on the merits. The petitioner's argument that the examiner's 112, 1st paragraph rejection was in error will not be addressed in this petition, as this is not a petitionable matter. Such an argument is appropriate for the Board of Patent Appeals and Interferences.

Next, it is argued that the examiner fails to discuss all of the limitations of the claims, specifically that the limitations in claim 4 were never addressed in the office action. This argument is not persuasive. In paragraph 10 of the final office action, mailed January 5, 2007, the examiner has clearly rejected claim 4 over Tsuruoka et al. in view of Hayashi. Here, the examiner does point out where the Tsuruoka et al. reference teaches the substrate, buffer layer, and encapsulation cover, which are required by claim 4. It appears that there is a disagreement between the examiner and the applicant as to whether or not the art teaches the claimed subject matter. This is not a petitionable matter. Such an argument is appropriate for the Board of Patent Appeals and Interferences.

Therefore, it is deemed that the finality of the January 5, 2007 office action was proper and the petition is **DENIED.**

Applicant's time for response to the January 5, 2007 office action continues to run as set forth in the office action.



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

Robert E. Bushnell
1522 "K" Street N.W., Suite 300
Washington, DC 20005

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OFFICE OF PETITIONS

In re Application of :
COOPER, et al. :
Application No. 10/871,574 : DECISION ON PETITION
Filed: June 21, 2004 : TO WITHDRAW
Attorney Docket No. **06975-492001** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 2, 2007.

The request is **APPROVED.**

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

The request was signed by Scott R. Boalick. Scott R. Boalick has been withdrawn as attorney or agent of record; all other attorneys remain of record. The correspondence address of record remains unchanged.

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

Monica A. Graves
Petitions Examiner
Office of Petitions

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

Mail Date: 04/20/2010

Applicant	: Jianxin Wang	: DECISION ON REQUEST FOR
Patent Number	: 7583658	: RECALCULATION of PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/871,581	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/17/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1273** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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OFFICE OF PETITIONS

In re Application of	:	
Cowings, Hoogstrate, Jensen,	:	DECISION REFUSING STATUS
Medlar, and Schneider	:	UNDER 37 CFR 1.47(a)
Application No. 10/871,583	:	
Filed: 17 June, 2004	:	
Atty Docket No. 003775.P006	:	

This is in response to the petition filed under 37 CFR 1.47(a) on 19 January, 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 non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Extensions of time may be obtained in accordance with 37 CFR 1.136(a).

The above-identified application was filed on 17 June, 2004, without an executed oath or declaration. Accordingly, on 6 August, 2004, a Notice to File Missing Parts of Nonprovisional Application was mailed, requiring an executed oath or declaration and a surcharge for its late filing.

In response, on 19 January, 2005 (certificate of mailing date 14 January, 2005), petitioners filed a four (4) month extension of time, the present petition, the late-filing surcharge, and a declaration naming David Cowings, David Hoogstrate, Sandy Jensen, Art Medlar, and Ken Schneider as joint inventors and signed by all inventors except Medlar on behalf of themselves and non-signing joint inventor Medlar.

Petitioners assert that joint inventor Medlar has refused to sign the declaration. In support, petitioners have provided a declaration by Marina Portnova, in which Ms. Portnova states that she forwarded the declaration and an assignment for this application to joint inventor Medlar, but that Medlar has failed to sign and return the declaration.

A grantable petition under 37 CFR 1.47(a) requires:

(1) proof that the non-signing inventor cannot be reached or located, notwithstanding diligent effort, or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);

(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;

(3) the petition fee;

(4) a surcharge of $130 or $65 (small entity) if the petition and/or declaration is not filed at the time of filing the application, and

(5) a statement of the last known address of the non-signing inventor.

The petition lacks items (1) and (2).

In regards to item (1), petitioners have not shown that joint inventor Medlar was sent or presented with a copy of the application as filed (specification, including claims, drawings, if any, and the declaration).[1] Based on the showing of record, it does not appear that the specification, including claims, and the drawings, were among the application papers sent to the non-signing inventor.

Petitioners may show proof that a copy of the application was sent or given to the non-signing inventor for review by providing a copy of the cover letter transmitting the application papers (specification, including claims, drawings, if any, and the declaration) to the non-signing inventor or details given in an affidavit or declaration of facts by a person having first-hand knowledge of the details.

Likewise, before a *bona fide* refusal to sign the declaration can be alleged, petitioners must show that a copy of the application was sent or given to the inventor. If the inventor refuses in writing, petitioners must submit a copy of that written refusal with any renewed petition. If the refusal was made orally to a

[1] MPEP 409.03(d).

person, then that person must provide details of the refusal in an affidavit or declaration of fact.

In regards to item (2), the declaration signed by joint inventor Cowings is defective because it contains uninitialed and/or undated alterations. Specifically, while the alteration in the residence for joint inventor Cowings has been initialed, the alteration has not been dated. A new oath or declaration in compliance with 37 CFR 1.63 and 1.67, signed by the inventor to whom the error or deficiency relates is required.[2]

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

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

By FAX: (703) 872-9306
Attn: Office of Petitions

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

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

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

[2] 37 CFR 1.67(a)(2).

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12400 WILSHIRE BLVD
SEVENTH FLOOR
LOS ANGELES CA 90025

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OFFICE OF PETITIONS

In re Application of	:	
Cowings, Hoogstrate, Jensen,	:	DECISION ON PETITION AND
Medlar, and Schneider	:	DECISION ACCORDING STATUS
Application No. 10/871,583	:	UNDER 37 CFR 1.47(a)
Filed: 17 June, 2004	:	
Atty Dckt No. 003775.P006		

This is a decision on the petitions under 37 CFR 1.181 to withdraw the holding of abandonment, and under 37 CFR 1.47(a), both filed on 19 July, 2005.

The petition is **granted**.

PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

The application was held abandoned for failure to file a timely reply to the Decision Refusing Status Under 37 CFR 1.47(a) mailed on 17 February, 2005, which set a two (2) month shortened period for reply. Notice of Abandonment was mailed on 17 May, 2005.

Petitioners assert that a response was timely filed. In support, petitioners have provided a renewed petition, filed 19 July, 2005 (certificate of mailing date 15 July, 2005) under 37 CFR 1.47(a) and a three (3) month time extension under 37 CFR 1.136(a).

The Decision Refusing Status Under 37 CFR 1.47(a) mailed on 17 February, 2005, set a two (2) month shortened period for reply, and extensions of time were available in accordance with 37 CFR 1.136(a). As petitioners timely filed a renewed petition under 37 CFR 1.136(a) with a three (3) month extension of time, and the fee therefor, with a certificate of mailing dated 15 July, 2005, the application is not abandoned.

The petition complies with the requirements set forth in MPEP 1.8(b) and MPEP 503.

Accordingly, the holding of abandonment is **withdrawn**. The Notice of Abandonment mailed on 17 May, 2005, was sent in error and is **vacated**.

PETITION UNDER 37 CFR 1.47(a)

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, via the declaration of Marina Portnova, that a copy of the application was sent to the non-signing inventor, Art Medlar. However, the non-signing inventor failed to sign and return the declaration naming him as a joint inventor along with David Cowings, David Hoogstrate, Sandy Jenson, and Ken Schneider.

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

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

After this decision is mailed, the application will be referred to the Office of Initial Patent Examination for further processing.

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

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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DIW Aug-05

Art Medlar
1998 Ward Street
Berkeley CA 94703

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OFFICE OF PETITIONS

In re Application of
Cowings et al.
Application No. 10/871,583
Filed: 17 June, 2004
For: SYSTEM AND METHOD FOR FILTERING SPAM MESSAGES UTILIZING URL FILTERING

Dear Mr. Medlar:

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).

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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OSHA LIANG LLP/Oracle
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON, TX 77010

Mail Date: 04/20/2010

Applicant	: Jerry A. Waldorf	: DECISION ON REQUEST FOR
Patent Number	: 7644197	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/871,590	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/17/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **711** 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

Cook, Alex, McFarron, Manzo,
Cummings & Mehler, Ltd.
Ste. 2850
200 West Adams St.
Chicago, IL 60606

Mail Date: 04/21/2010

Applicant	: Shunpei Yamazaki	: DECISION ON REQUEST FOR
Patent Number	: 7569854	: RECALCULATION of PATENT
Issue Date	: 08/04/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/871,621	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/18/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **127** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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FROM DIRECTORS OFFICE

DEC 07 2005

TECHNOLOGY CENTER 3600

STEPHEN D. CARVER
SUITE 800
2024 ARKANSAS VALLEY DRIVE
LITTLE ROCK, AR 72212-4147

In re application of : **DECISION ON PETITION**
James H. Buie : **TO MAKE SPECIAL**
Application No. 10/871,627 : **(INFRINGEMENT)**
Filed: June 18, 2004 :
For: GUN CLEANING KIT

This is a decision on the petition under 37 C.F.R §1.102(d) filed October 3, 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.

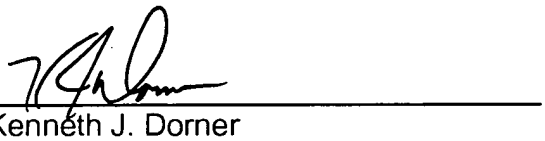
MPEP 708.02 states that a Petition to Make Special based on Infringement must have the following: (1) the appropriate petition fee under 37 CFR 1.17(h); (2) a statement by the assignee, applicant, or attorney alleging: (A) that there is an infringing device or product actually on the market or method 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 October 3, 2005 lacks requirement 2(C) above. In this regard, the application file has been reviewed, and no copies provided by applicant, of the most closely related prior art, have been located. In view of this deficiency, 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
(571) 272-6587

KJD/dcg: 11/9/05

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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MAIL

SEP 0 8 2004

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

Edward E. Roberts
P.O. Box 3206
Dana Point CA 92629

In re Application of :
Duc Doan :
Application No. 10/871,633 : DECISION ON PETITION
Filed: June 21, 2004 : TO MAKE SPECIAL
For: APPARATUS FOR MONITORING AND DISPLAYING VEHICULAR OPERATIONAL STATUS :

This is a decision on the petition to make special filed June 21, 2004 under 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 Drivers License of Duc Doan , in support of the petition, evidencing that he is over 65 years of age.

Accordingly, the petition is **GRANTED**.

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

Kenneth Wieder
Special Program Examiner
Technology Center 2600
Communications
(571) 272-2986

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TOWNSEND AND TOWNSEND AND CREW LLP
TWO EMBARCADERO CENTER, 8TH FLOOR
SAN FRANCISCO, CA 94111-3834

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AUG 11 2004

OFFICE OF PETITIONS

In re Application of :
Martin F. Yanofsky et al :
Application No. 10/871,651 : NOTICE
Filed: June 18, 2004 :
Attorney Docket No. 19452-A000710US

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

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

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

Inquiries related to this communication should be directed to the Office of Petitions Staff at (703) 305-9285.

This file is being forwarded to the Initial Patent Examination Unit.

Irvin Dingle
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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CNH AMERICA LLC
INTELLECTUAL PROPERTY LAW DEPARTMENT
PO BOX 1895, MS 641
NEW HOLLAND PA 17557

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OFFICE OF PETITIONS

In re Application of :
Robert D. Kurtz, Jr. et al. :
Application No. 10/871,671 : DECISION ON PETITION
Filed: June 18, 2004 : TO WITHDRAW
Attorney Docket No. 17366 : 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 January 17, 2006.

The request is **NOT APPROVED**.

A review of the file record indicates that Stephen Michael Patton: (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. However, the reason provided, I no longer legally represent the assignee, does not meet any of the conditions under 37 CFR 10.40. Therefore, the request cannot be approved.

The correspondence address of record remains unchanged.

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

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P.O. Box 1450
Alexandria, VA 22313-1450
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TOWNSEND M. BELSER, JR.
NEXSEN PRUET ADAMS KLEEMEIER
PO DRAWER 2426
COLUMBIA, SC 29202-2426

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MAY 16 2006

OFFICE OF PETITIONS

In re Application of
Durrell U. Howard
Application No. 10/871,672
Filed: June 18, 2004
Attorney Docket No. 29676-35

DECISION ON PETITION
TO MAKE SPECIAL UNDER
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 20, 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 petition includes a statement by Durrell U. Howard attesting that he is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to 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 application is being referred to Technology Center AU 3616 for action on the merits commensurate with this decision.

Wan Laymon
Petitions Examiner
Office of Petitions

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KATTEN MUCHIN ROSENMAN LLP
575 MADISON AVENUE
NEW YORK, NY 10022-2585

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MAR 0 9 2009

OFFICE OF PETITIONS

In re Application of :
Takashi Shirakami, et al. :
Application No. 10/871,675 : DECISION GRANTING PETITION
Filed: June 18, 2004 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. FUJA 21.242 (100794-00641) :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed March 6, 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 January 28, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 2835 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/AMW
April M. Wise
Petitions Examiner
Office of Petitions

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : April 05, 2007

TO SPE OF : ART UNIT 3763 10/871677

SUBJECT : Request for Certificate of Correction on Patent No.: 7104982 B2

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

Please complete this form and return with file, within **7** days to:
Palm location **7580, Certificates of Correction Branch – South Tower – 9A22**
If response is for an IFW, **return to employee (named below) via PUBSCofC Team in MADRAS.**
With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction (COCIN)? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Elisha Evans
Certificates of Correction Branch
Tel. No. 703-308-9390 EXT 110

Thank You For Your Assistance

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

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

Comments:

_____

_____

_____

_____

_____

3763

SPE **Art Unit**

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KED & ASSOCIATES, LLP
P.O. Box 221200
Chantilly VA 20153-1200

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JUN 20 2008

In re Application of
Sim, et al.
Application No. 10/871,703
Filed: June 21, 2004
Attorney Docket No. LK-0012

: DECISION ON PETITION
: UNDER 37 CFR 1.78(a)(3)

This is a decision on the petition under 37 CFR 1.78(a)(3), filed March 26, 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 with the petition.

The petition is **GRANTED**.

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

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

The rule at 37 CFR § 1.78(a)(3) requires 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. Since the statement appearing in the petition varies from the required language, the statement is being construed as the statement required by 37 CFR §1.78(a)(3). If this is not a correct reading of the statement appearing in the petition, petitioners should promptly notify the Office.

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

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt

accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

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

Any inquiries concerning this decision may be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 3744 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed applications.

Anthony Knight
Supervisor
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
10/871,703	06/21/2004	3744	2590	LK-0012	45	2

CONFIRMATION NO. 9147

CORRECTED FILING RECEIPT

34610
KED & ASSOCIATES, LLP
P.O. Box 221200
Chantilly, VA 20153-1200

OC00000030287634

Date Mailed: 06/19/2008

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

Applicant(s)

Jae-Seng Sim, Masan-Shi, KOREA, REPUBLIC OF;
Young-Hwan Ko, Changwon-Shi, KOREA, REPUBLIC OF;
Jongmin Shin, Nam-Ku, KOREA, REPUBLIC OF;
Bong-Jun Choi, Changwon-Shi, KOREA, REPUBLIC OF;
Jun-Hyeon Hwang, Changwon-Shi, KOREA, REPUBLIC OF;
Young Jeong, Gwangmeong-Shi, KOREA, REPUBLIC OF;
Samchul Ha, Changwon-Shi, KOREA, REPUBLIC OF;
Yunho Hwang, Ellicott City, MD;

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a CIP of 10/537,828 06/08/2005
which is a 371 of PCT/KR03/02749 12/16/2003

Foreign Applications

REPUBLIC OF KOREA 1020020083289 12/24/2002

If Required, Foreign Filing License Granted: 08/06/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 10/871,703**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Refrigerator, and method for controlling operation of the same

Preliminary Class

062

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

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

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

NOT GRANTED

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

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HUNTON & WILLIAMS LLP
INTELLECTUAL PROPERTY DEPARTMENT
1900 K STREET, N.W.
SUITE 1200
WASHINGTON DC 20006-1109

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APR 0 8 2005

OFFICE OF PETITIONS

In re Application of
Prakash G. Kadkade et al.
Application No. 10/871,705
Filed: June 21, 2004
Attorney Docket No. 62698.000110

: DECISION ACCORDING STATUS
: UNDER 37 CFR 1.47(a)

This is in response to the petition filed February 22, 2005 under 37 CFR 1.47(a).

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

The above-identified application was filed on June 21, 2004, naming Prakash G. Kadkade, Christopher B. Bare, Barbara Schnabel-Preikstas and Bin Yu as joint inventors but without a signed declaration. Accordingly, on August 19, 2004, a "Notice To File Missing Parts of Application" was mailed, requiring *inter alia* a properly executed oath or declaration.

In response, the instant petition under 37 CFR 1.47(a), an oath or declaration executed only by joint inventors Kadkade and Schnabel-Preikstas, late filing surcharge and a four month extension of time request were filed. The petition argues that joint inventors Bare and Yu refuse to execute the oath or declaration and thus 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 Mr. Bare and Ms. Yu at their last known addresses and that to date neither has returned an executed copy of the oath or declaration, because after diligent searches, they were unable to be reached.

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.

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 is being referred to the Office of Initial Patent Examination for further pre-examination processing.

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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OIPE/IAP

JUL 01 2005

CHRISTOPHER B. BARE
213 E. GRAND AVENUE
SOUTH SAN FRANCISCO, CA 94080

BIN YU
110 PARKWAY FOREST DRIVE
NORTH YORK, ONTARIO
CANADA

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APR 08 2005

OFFICE OF PETITIONS

In re Application of
Prakash G. Kadkade et al.
Application No. 10/871,705
Filed: June 21, 2004
For: CRYOPRESERVATION OF PLANT CELLS

Dear Mr. Bare and Ms. Yu:

You are named as joint inventors 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 joint inventors.

As named inventors 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 Petitions Attorney at (571) 272-3212. 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).

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

cc:
HUNTON & WILLIAMS LLP
INTELLECTUAL PROPERTY DEPARTMENT
1900 K STREET, N.W.
SUITE 1200
WASHINGTON DC 20006-1109

CHRISTOPHER B. BARE
76 ALBION STREET
SAN FRANCISCO, CA 94103

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

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JUN 0 1 2005

OFFICE OF PETITIONS

In re Application of
Chiang et al.
Application No. 10/871,708
Filed: June 17, 2004
Attorney Docket No. MANNK.035A
For: Combinations of Tumor-Associated Antigens in Compositions for Various Types of Cancers

DECISION ACCORDING STATUS UNDER 37 CFR 1.47(a)

This is a decision on the petition under 37 CFR 1.47(a), filed February 1, 2005.

The petition is **granted**.

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

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

The fee for a petition under 37 CFR 1.47 increased to $200 as of November 1, 2004.[1] Petitioner submitted $130 for the petition fee. Therefore, $70 was charged to petitioner's deposit account.

The Office of Initial Patent Examination will be informed of the instant decision.

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

Charles Steven Brantley
Petitions Attorney
Office of Petitions

[1] See Revision of Patent Fees for Fiscal Year 2005, 69 Fed. Reg. 52604 (Aug. 27, 2004) and Changes to Support Implementation of the United States Patent and Trademark Office 21st Century Strategic Plan, 1287 Off. Gaz. Pat. Office 67 (Oct. 12, 2004).

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PHIL LU INCORPORATED
ATT: PHILLIP J. PETILLO, PH.D.
1206 HERBERT AVENUE
OCEAN NJ 07112-4035

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MAR 30 2009

OFFICE OF PETITIONS

In re Application of :

PETILLO, Phillip J. :
Application No. 10/871,727 : DECISION ON PETITION
Filed: June 18, 2004 : TO WITHDRAW
Attorney Docket No. **A36261-075572.0101** : 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 21, 2009.

The request is **NOT APPROVED**.

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

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

The request cannot be approved because there is no indication that acts (1) thru (3) noted in the above-identified certifications have been performed. See PTO/SB/83 (11-08).

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

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

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **PHIL LU INCORPORATED**
ATTN: PHILIP J. PETILLO, PH.D.
1206 HERBERT AVENUE
OCEAN NJ 07112-4035

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Mail Date: 04/20/2010

Applicant	: James F. Paskavitz	: DECISION ON REQUEST FOR
Patent Number	: 7658912	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/871,745	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/18/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1376** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/871,746	06/17/2004	3682	856	57139-5064	10	20	4

CONFIRMATION NO. 2024

CORRECTED FILING RECEIPT

OC000000013856168

24574
JEFFER, MANGELS, BUTLER & MARMARO, LLP
1900 AVENUE OF THE STARS, 7TH FLOOR
LOS ANGELES, CA 90067

Date Mailed: 09/21/2004

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)

Takumi Onogi, Higashi-Osaka City, JAPAN;
Takashi Adachi, Sakai City, JAPAN;
Yoshihiro Kinose, Sakai City, JAPAN;

Assignment For Published Patent Application

Shimano Inc., Osaka, JAPAN

Power of Attorney:

Bernard Gans--27443
Rod Berman--31483
Brian Kasell--33522
Steven Hansen--39214
Grant Langton--39739
George Tseng--41355

Domestic Priority data as claimed by applicant

Foreign Applications

JAPAN JP2004-051492 02/26/2004

If Required, Foreign Filing License Granted: 08/17/2004

The number of your priority application, to be used for filing abroad under the Paris Convention is,

US10/871,746

Projected Publication Date: 09/01/2005

Non-Publication Request: No

Early Publication Request: No

Title

Bicycle derailleur

Preliminary Class

474

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

GRANTED

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

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

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

NOT GRANTED

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

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FEB 18 2005

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

In re Application of :
Williams et al. :
Serial No.: 10/871,768 : PETITION TO MAKE SPECIAL
Filed: June 18, 2004 :
Attorney Docket No.: 30752/39971 :

This is in response to applicants' petition filed February 11, 2005, to make the above-identified application special under the provisions of 37 CFR 1.102(d).

Applicants have satisfied the provisions set forth in M.P.E.P. 708.02, VIII. (A), (B), (C), (D), and (E). The $130.00 petition fee as required by 37 CFR 1.17(h) was paid by check. Therefore, the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact Marianne C. Seidel by letter addressed to the Director, Technology Center 1600, P.O. Box 1450, Alexandria, VA 22313-1450, or by telephone at 571-272-0584 or by facsimile transmission at the general Office facsimile number, (703) 872-9306.

Marianne C. Seidel

Marianne C. Seidel
Special Program Examiner
Technology Center 1600 .

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OFFICE OF THE DIRECTOR
TC 3600

WILLIAM W. BODNAR
818 Brookwood Way
Chico, CA 95926

In re application of : **DECISION ON PETITION**
Berle G. Blehm : **TO MAKE SPECIAL**
Application No. 10/871,783 : **(APPLICANT'S AGE)**
Filed: June 19, 2004 :
For: ROOF ANCHOR LADDER ATTACHMENT ASSEMBLY

This is a decision on the petition submitted on October 12, 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. Blehm indicating that he is at least 65 years of age and a copy of

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: 11/03/04

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YOUNG LAW FIRM
A PROFESSIONAL CORPORATION
4370 ALPINE ROAD SUITE 106
PORTOLA VALLEY, CA 94028

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OCT 25 2004

LETTER **OFFICE OF PETITIONS**

In re Application of:
Lee et al.
Application No. 10/871,790
Filed: June 17, 2004
Title of Invention:
METHODS AND SYSTEMS FOR IN SITU TISSUE MARKING AND ORIENTATION STABILIZATION AND CONTAINERS INCORPORATING SAME

This is in response to the petition under 37 CFR 1.47(a) filed with the above-identified application on April 15, 2002.

The petition is DISMISSED AS MOOT.

In accordance with 37 CFR 1.63(d), petitioner has submitted a copy of the executed oath or declaration filed in Application No. 08/826,088, filed on March 27, 1997, of which the instant filing is a divisional application.

Furthermore, a copy of the decision, mailed June 29, 1998, granting a petition to accord § 1.47(a) status to the prior application has been placed in the file of the present application.

As Rule 1.47(a) status was granted in the prior application, this application is hereby accorded Rule 1.47(a) status. No petition is necessary to accord Rule 1.47(a) status in this application. No petition fee is necessary and none has been charged.

As provided in Rule 1.47(c), since notice was provided after the grant of Rule 1.47(a) status in the prior application, the Office is dispensing with the notice provision in this divisional application.

Because this is an image file wrapper ("IFW") file, an electronic message will be forwarded to Technology Center 3736 for examination in due course.

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

Derek L. Woods
Attorney Advisor
Office of Petitions

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APR 1 4 2005

Director's Office
Group 3700

Eric Scott
15695 92nd Way
N. Jupiter, FL 33478

In re application of
Eric Scott

Serial Number: 10/871793
Filed: June 18, 2004

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

For: **VALVE FOR PRESSURIZED CANISTER**

This is a decision on the petition filed on June 18, 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
(571) 272-3750

rt: 4/13/05

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Fitzgerald Cella Harper & Scinto
30 Rockefeller Plaza
New York, NY 10112

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MAR 0 8 2006

OFFICE OF PETITIONS

In re Application of :
Hagiwara et al. :
Application No. 10/871,813 : DECISION ON PETITION
Filed: June 21, 2004 :
Attorney Docket No. 03500.000349 :

This is a decision on the petition under 37 CFR 1.181, filed June 14, 2005, to withdraw the holding of abandonment. The petition was recently forwarded to the Office of Petitions for a decision on the merits. The Office sincerely apologizes for any inconvenience to petitioners.

The application became abandoned for failure to reply timely to the Notice to File Corrected Application Papers, mailed August 13, 2004, which set a two-month extendable period for reply. In the absence of a timely filed response, the application became abandoned on October 14, 2004. A Notice of Abandonment was mailed on May 17, 2005.

In the present petition, petitioners request that the Office withdraw the holding of abandonment due to non-receipt of the Notice to File Corrected Application Papers of August 13, 2004. The practitioner asserts that a search of the file jacket and docket records indicate that the Notice was not received. In support of the assertion, the practitioner submits a copy of the docket record for October 13, 2004 to November 2, 2004. The practitioner states that the docket report shows all replies docketed for October 13, 2004, which is the due date for responding to the Notice.

A review of the record indicates no irregularity in the mailing of the Notice to File Corrected Application Papers, and in the absence of any irregularity in the mailing, there is a strong presumption that the Notice was properly mailed to the address of record. This presumption may be overcome by a showing that the Notice to File Corrected Application Papers was not in fact received. The showing required to establish non-receipt of an Office communication must include a statement from the practitioner, stating that the practitioner did not receive the Office communication and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's

statement. See MPEP 711.03(c); Notice entitled "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 O.G. 53 (November 16, 1993). For example, if a three month period for reply was set in the non-received Office action, a copy of the docket report showing all replies docketed for a date three months from the mail date of the non-received Office action must be submitted as documentary proof of non-receipt of the Office action. See MPEP 711.03(c);

The showing of record is insufficient to warrant withdrawal of the holding of abandonment at this time. The Notice to File Corrected Application Papers set a two-month extendable period for reply. Therefore, the practitioner must submit a copy of the docket report showing all replies docketed for two months from the mail date of the Notice to File Corrected Application Papers (*i.e.,* from August 13, 2004, up to and including, October 13, 2004) as documentary proof of non-receipt of the Notice. With the present petition, the practitioner only submitted a docket record for the period from October 13, 2004 to November 2, 2004.

The petition to withdraw the holding of abandonment is **dismissed**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181." Extensions of time are permitted under 37 CFR 1.136(a). In the alternative, petitioner may wish to file a petition under 37 CFR 1.137(b) to revive an unintentionally abandoned application.

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.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Fitzgerald Cella Harper & Scinto
30 Rockefeller Plaza
New York, NY 10112

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JUN 27 2006

OFFICE OF PETITIONS

In re Application of :
Hagiwara et al. :
Application No. 10/871,813 : DECISION ON PETITION
Filed: June 21, 2004 :
Attorney Docket No. 03500.000349 :

This is a decision on the renewed petition under 37 CFR 1.181, filed May 5, 2006, to withdraw the holding of abandonment.

The application became abandoned for failure to reply timely to the Notice to File Corrected Application Papers, mailed on August 13, 2004, which set a two-month extendable period for reply. In the absence of a timely filed response, the application became abandoned on October 14, 2004. A Notice of Abandonment was mailed on May 17, 2005.

Petitioners requested that the Office withdraw the holding of abandonment due to non-receipt of the Notice to File Corrected Application Papers of August 13, 2004. The practitioner asserted that a search of the file jacket and docket records indicated that the Notice was not received. In support of the assertion, the practitioner submitted a copy of the docket record for October 13, 2004. Additionally, the practitioner provided the Office with a further explanation of the docket system and the records submitted on petition. The practitioner stated that the docket record showed all of the USPTO communications with a due date of October 13, 2004, regardless of when the communications were received.

Upon further consideration, the petition under 37 CFR 1.181 is **GRANTED**. The holding of abandonment is withdrawn.

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

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September 2006

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

OCT 19 2006

In re Application of:	:	
NISHIKAWA ET AL.	:	DECISION ON PETITION TO
Serial No.: 10/871,814	:	MAKE SPECIAL UNDER 37
Filed: 21 June 2004	:	C.F.R. § 1.102(d)
Title: System Monitoring Method	:	

This is a decision on the petition filed on July 29, 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 **DISMISSED**.

In support of the petition, petitioner provides: a) the applicable petition fee; b) a statement that the claims are directed to a single invention and an offer to elect without traverse should a restriction or election of species requirement is made; c) a statement that a pre-examination search was made, including the search areas; d) copies of the references stated as being most closely related to the claimed subject matter; and e) a discussion of the teaching of the references.

For accelerated examination under MPEP § 708.02(VIII) in accordance with 37 C.F.R. § 1.102(d), a showing of the following is required: a) a petition to make special accompanied by the applicable 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 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), (b), (c) and (d) are considered to have been met. However, petitioner fails to point out with the particularity required by 37 CFR § 1.111 (b) and (c), how the claimed subject matter is distinguishable over the *each* of the references. Therefore, petitioner fails to meet the requirement of MPEP § 708.02(VIII)(e).

37 CFR § 1.111 (b) states"[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." 37 CFR § 1.111 (c) states in part "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."

Petitioner presents a brief discussion of the cited references, and states that they do not teach the specific limitations claimed in the independent claims. However, a *detailed discussion* of how each of the references overcomes each of the independent claims is required for the petition to be granted. For the references that are summarized on page 3, a detailed discussion must discuss what features are disclosed or taught for each independent claim. While the discussion of the references discusses features, which distinguish those references from the claims, there is no discussion of what features are disclosed and taught in the claims. For instance, petitioner has not discussed exactly how the performance data obtained by the first computer in the each reference is not the same as the performance monitoring item of the claims. A mere statement alleging that the claims contain a feature not found in the relevant prior art is insufficient. Petitioner is required to provide such detailed discussion for each reference with respect to each independent claim.

While Technology Center Directors may have granted petitions that do not comply with the detailed discussion requirement of the Accelerated Examination procedure, Technology Center Director decisions on petitions are not binding precedent of the Patent Examining Corps, and the application of an improper standard in certain cases does not require the Office to continue to apply the improper standard in all cases. *See In re The Boulevard Entertainment, Inc.*, 334 F.3d 1336, 1343, 67 USPQ2d 1475, 1480 (Fed. Cir. 2003)).

For the above-mentioned reasons, the petition is dismissed. The application will therefore be taken up by the examiner for action in its regular turn.

Any request for reconsideration of this decision must be submitted within 2 (two) months of the date of this decision in order to be considered timely. Any resubmission of the petition must provide a detailed discussion of how each of the independent claims is not met by each of the references presented as relevant, and a statement complying with MPEP § 708.02(VIII)(b).

Any inquiry regarding this decision should be directed to Jose' G. Dees, Special Program Examiner, at (571) 272-1569.

Jose' G. Dees, Special Program Examiner
Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/871,814	06/21/2004	Norifumi Nishikawa	500.43973X00	2876

24956 7590 11/08/2007

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

EXAMINER
GEORGANDELLIS, ANDREW C

ART UNIT	PAPER NUMBER
4144	

MAIL DATE	DELIVERY MODE
11/08/2007	PAPER

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

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

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MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.
1800 DIAGONAL ROAD
Suite 370
ALEXANDRIA, VA 22314

MAILED

NOV 08 2007

TECHNOLOGY CENTER 2100

In re Application of: NISHIKAWA, et al.
Application No. 10/871,814
Filed: 21 June 2004
For: SYSTEM MONITORING METHOD

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 19 December 2006, to make special the status of the above-identified application under terms of 37 CFR §102(d) and MPEP §708.02(VIII): Accelerated Examination. The original petition, filed 29 July 2005 was dismissed in a decision mailed on 19 October 2006.

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

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(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

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JUL 21 2006

OFFICE OF PETITIONS

FOLEY & LARDNER, LLP
777 EAST WISCONSIN AVENUE
MILWAUKEE, WI 53202-5306

In re Application of :
Angelini, et. al. :
Application No. 10/871,837 :
Filed: June 18, 2004 :
Attorney Docket No. 040022-0139 :

DECISION ON REQUEST
TO WITHDRAW FROM
RECORD

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 June 27, 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 associated with Customer No. 26371 have been revoked by the assignee of the patent application, on January 6, 2006. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is moot.

There is an outstanding Office action mailed May 16, 2006 that requires a reply from the applicant.

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

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

Andrea Smith
Petitions Examiner
Office of Petitions

cc: REINHART BOERNER VAN DEUREN, P.C.
483 NORTH MULFORD ROAD
SUITE 7
ROCKFORD, IL 61107

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

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NOV - 8 2005

Technology Center 2100

In re Application of MOGI et al	:	
Application No.: 10/871,838	:	DECISION ON PETITION
Filing Date: June 17, 2004	:	FOR ACCELERATED
For: CACHE MEMORY MANAGING	:	EXAMINATION UNDER
METHOD FOR COMPUTER SYSTEM	:	M.P.E.P. §708.02(VIII)
	:	

This is a decision on the petition filed September 16, 2005 under 37 CFR §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 CFR §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. The election may be made by applicant at the time of filing the petition for special status. Should applicant fail to include an election with the original papers or petition and the Office determines that a requirement should be made, the established telephone restriction practice will be followed. If otherwise proper, examination on the merits will proceed on claims drawn to the elected invention. If applicant refuses to make an election without traverse, the application will not be further examined at that time. The petition will be denied on the ground that the claims are not directed to a single invention, and the application will await action in its regular turn. Divisional applications directed to the nonelected inventions will not automatically be given special status based on papers filed with the petition in the parent application. Each such application must meet on its own all requirements for the new 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 >if the claims in the corresponding foreign application are of the same or similar scope to the claims in the U.S. application for which special status is requested<;

(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.

Because the petition filed September 16, 2005 meets the criteria set forth above, the petition to make special is **GRANTED**.

Applicant should consider filing an Information Disclosure Statement (Form PTO-1449 or PTO-SB08A) to ensure that the references cited in the petition will be considered by the assigned examiner.

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.

Pinchus M. Laufer
Special Programs Examiner
Technology Center 2100
Computer Architecture, Software, and Information Security
571-272-3599

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SCHLUMBERGER-DOLL RESEARCH
36 OLD QUARRY ROAD
RIDGEFIELD CT 06877-4108

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OFFICE OF PETITIONS

ON PETITION

In re Application of :
Min-Yi Chen et al :
Application No. 10/871,856 :
Filed: June 18, 2004 :
Attorney Docket No. 60.1557 :

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 December 21, 2005, in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

The examiner of Technology Center AU 2862 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).

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SMITH, GAMBRELL & RUSSELL
SUITE 3100, PROMENADE II
1230 PEACHTREE STREET, N.E.
ATLANTA, GA 30309-3592

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JUN 0 9 2008

In re Application of :
Daniel OSTGARD, et al :
Application No. 10/871,860 : DECISION ON PETITION
Filed: June 18, 2004 :
Docket No. 032301.372DIV :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 1, 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 17, 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 18, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $1500; and (3) an adequate statement of unintentional delay.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney document must be submitted.

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

This application is being referred to Technology Center AU 1625 for appropriate action by the Examiner in the normal course of business on the reply received June 1, 2007.

Thurman Page
Petitions Examiner
Office of Petitions

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

Mail Date: 05/21/2010

Applicant	: Joseph M. Pastore	: DECISION ON REQUEST FOR
Patent Number	: 7640046	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 10/871,865	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/18/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **370** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 11/6/06

Paper No.: _____

TO SPE OF : ART UNIT 2881

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/787879 Patent No.: 7075075

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: _____

_____

_____

_____

_____

DREW A. DUNN
SUPERVISORY PATENT EXAMINER

SPE

2881
Art Unit

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PATTERSON & SHERIDAN, LLP/CISC
3040 POST OAK BLVD.
SUITE 1500
HOUSTON, TX 77056-6582

Mail Date: 08/04/2010

Applicant	: Paul Thomas Bradley	: DECISION ON REQUEST FOR
Patent Number	: 7657915	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 10/871,884	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/18/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1446** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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David E. Bruhn, Esq.
DORSEY & WHITNEY LLP
Intellectual Property Department
Suite 1500, 50 South Sixth Steet
Minneapolis, MN 55402-1498

MAR 26 2007

In re Application of: KIRCHHOFER Serial No.: 10/871,886 Filed: June 18, 2004 Title: INJECTION APPARATUS WITH AN END POSITIONE-BLOCKED DOSAGE SETTING MEMBER	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on September 11, 2006 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DENIED**.

REGULATION AND PRACTICE

To be eligible for accelerated examination under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), the following conditions must be satisfied:

1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;
4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.
5. The petition must be filed with the application.

The application as filed is not eligible for the accelerated examination under 37 C.F.R. § 1.102(d) because the petition was not filed with the application. Additionally, more than 20 total claims were filed.

As noted in the policy statement referenced above, any petition to make special filed on or after the effective date must meet the new requirements set forth in the 71 Fed. Reg. 36323 notice. Applications filed before the effective date will not be eligible for the revised accelerated examination program. The effective date of the change in practice was August 25, 2006. Thus the instant petition must be reviewed under the revised practice and the instant application is ineligible.

The petition appears on its face to have been filed without recognition of the August 25, 2006 policy change to the petition to make special program. The changes to the program are substantial. A copy of Federal Register on June 26, 2006 (71 Fed. Reg. 36323) is being attached to the mailed decision for petitioner's review. Further guidance may be found at www.USPTO.gov under the accelerated examination link.

For the above-stated reasons, the petition is **DENIED**. The application will therefore be taken up by the examiner for action in its regular turn.

Any inquiry regarding this decision should be directed to J. Harrison, TC 3700 Special Program Examiner, at (571) 272-4449.

J. Harrison
Special Program Examiner
Technology Center 3700

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Jack D. Slobod
Philips Electronics North America Corporation
P.O. Box 3001
Briarcliff Manor, NY 10510

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OCT 15 2007

OFFICE OF PETITIONS

In re Application of :
Matthew P.J. Baker, et. al. :
Application No. 10/871,887 : ON PETITION
Filed: June 17, 2004 :
Attorney Docket No. PHB 34,395A :

This is a decision on the petition under 37 CFR 1.137(b), filed on September 12, 2006, to revive the above-identified application. The delay in responding is regretted.

The application became abandoned for failure to file a proper reply to the final Office action mailed November 15, 2005. A Notice of Abandonment was mailed on August 30, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b), in that, petitioner has supplied (1) the reply in the form of an acceptable amendment and terminal disclaimer; (2) the petition fee of $1,500; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

The Power of Attorney filed on September 12, 2006 has been accepted and made of record.

Additionally, the $130 petition fee submitted on September 12, 2006 is unnecessary and will be credited to petitioner's deposit account.

This application file is being referred to Technology Center Art Unit 2617, 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

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Baker Botts, L.L.P.
Patent Department
98 San Jacinto Boulevard
Suite 1500
Austin, TX 78701-4039

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OFFICE OF PETITIONS

In re Application of: I-Chien Wei, et. al. :
Application No. 10/871,890 : NOTICE
Filed: June 18, 2004 :
Attorney Docket No. 075337.0102 :

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 forwarded to the Office of Initial Patent Examination for further processing and for consideration of the Request for Corrected Filing Receipt filed October 14, 2004.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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OFFICE OF PETITIONS

FRANCIS LAW GROUP
1942 EMBARCADERO
OAKLAND, CA 94606

In re Application of	:	
Eleanor Schuler, et al.	:	
Application No. 10/871,928	:	ON PETITION
Filed: June 18, 2004	:	
Attorney Docket No. 920607-95769	:	

This is a decision on the petition under 37 CFR 1.137(b), filed June 23, 2006, 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 October 6, 2005. This decision precedes the mailing of a Notice of Abandonment.

The application is revived for consideration of a submission under 37 CFR 1.114 (request for continued examination).

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

The application file is being forwarded to Technology Center AU 3762, for further processing of the request for continued examination under 37 CFR 1.114 filed June 23, 2006.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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Woodard, Emhardt, Moriarty, McNett & Henry LLP
Roche Diagnostics
111 Monument Circle, Suite 3700
Indianapolis, IN 46204-5137

Mail Date: 04/20/2010

Applicant	: Henning Groll	: DECISION ON REQUEST FOR
Patent Number	: 7645373	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/871,977	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/18/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1335** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Woodard, Emhardt, Moriarty, McNett & Henry LLP
Roche Diagnostics
111 Monument Circle, Suite 3700
Indianapolis, IN 46204-5137

Mail Date: 05/17/2010

Applicant : Henning Groll
Patent Number : 7645373
Issue Date : 01/12/2010
Application No: 10/871,977
Filed : 06/18/2004

: 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 **1385** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of patent term adjustment (PTA) days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days** from the mail date of this notice, whichever is longer, to file a request for reconsideration of this PTA calculation. See 35 U.S.C. § 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4).

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

Patentee should be aware that in order to preserve the right of review of the USPTO's PTA determination in the United States District Court for the District of Columbia, patentee must ensure that the steps required under 35 U.S.C. § 154 (b)(4) are taken in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. § 154(b)(4).

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OFFICE OF THE DIRECTOR
TC 3600

DONALD R. SCHOONOVER
4211 Rolling Hills Drive
Nixa, MO 65714-8771

In re application of : **DECISION ON PETITION**
William D. Battenberg : **TO MAKE SPECIAL**
Application No. 10/871,982 : **(APPLICANT'S AGE)**
Filed: June 21, 2004 :
For: MOTORIZED ACCESS APPARATUS FOR ELEVATED AREAS

This is a decision on the petition submitted on June 21, 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. Battenberg indicating that he is at least 65 years of age and a copy of

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: 11/05/04

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MICHAEL BEST & FRIEDRICH, LLP
100 EAST WISCONSIN AVE
SUITE 3300
MILWAUKEE, WI 53202-4108

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OCT 01 2007

OFFICE OF PETITIONS

In re Application of :
Richard Bettin Cohrs Jr., et. al. :
Application No. 10/871,989 : ON PETITION
Filed: June 18, 2004 :
Attorney Docket No. 027243-9048-02 :

This is a decision on the petition under 37 CFR 1.137(b), filed on October 23, 2006, which is being treated as a petition under 37 CFR 1.181, requesting withdrawal of the holding of abandonment (no fee) in the above-identified application.

The above application was prematurely held abandoned for failure to file a proper reply to the final Office action mailed October 20, 2005. A Notice of Abandonment was mailed on May 24, 2006.

Petitioner asserts that the final Office action mailed on October 20, 2005 was never received. Petitioner also states that a copy of the Office action was downloaded from the Patent Application Information Retrieval System (PAIR).

A review of the record shows that a final Office action was prepared and submitted for mailing on October 20, 2005. The Office action contains the correct mailing address for petitioner. However, it does not appear that the Office action was actually mailed on October 20, 2005. Since there appears to be an irregularity in the mailing, there is a strong presumption that the Office action was not mailed to petitioner at the address of record.

In view of the above, the petition is **GRANTED**. Accordingly, the holding of abandonment is withdrawn and the application is restored to pending status.

Since the petition filed on October 23, 2006 is unnecessary, the $1,500 petition fee will be credited to petitioner's deposit account.

This application file is being referred to Technology Center Art Unit 3676, for consideration of the RCE filed on October 23, 2006.

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

Andrea Smith
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 07-10-10

TO SPE OF : ART UNIT 2855

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/871995 Patent No.: 7670045

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

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

Thank You For Your Assistance

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

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

Comments: _____

_____

_____

_____

_____

_____ 2855
SPE **Art Unit**

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DEFILLO & ASSOCIATES, INC.
4922 EAGLE COVE SOUTH DRIVE
PALM HARBOR, FL 34685

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SEP 20 2006

OFFICE OF PETITIONS

In re Application of	:	
Norman Richard Harrington	:	
Application No. 10/872,001	:	DECISION GRANTING PETITIONS
Filed: June 21, 2004	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. 1000.001	:	AND 37 CFR 1.313(c)(2)

This is a decision on the petition under 37 CFR 1.137(b), filed September 11, 2006, to revive the above-identified application. This is also a decision on the concurrently filed petition under 37 CFR 1.313(c)(2) to withdraw the application from issue.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before January 6, 2006 as required by the Notice of Allowance and Fee(s) Due mailed October 6, 2005. A Notice of Abandonment was mailed on February 27, 2006.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the issue ($700) and publication ($300) fees; (2) the $750 petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the submission of the issue and publication fees is accepted as having been unintentionally delayed.

Upon revival, petitioner requests that the above-identified application be withdrawn from issue for consideration of a submission (Information Disclosure Statement) under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may

request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3218.

This matter is being referred to Technology Center AU 3765 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the Information Disclosure Statement.

Frances Hicks
Petitions Examiner
Office of Petitions

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

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ALBIHNS STOCKHOLM AB
Linnegatan 2
BOX 5581
SE-114 85 Stockholm SWEDEN

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SEP 12 2006

OFFICE OF PETITIONS

In re Application of :
GUSTAFSSON, et al. :
Application No. 10/872,012 : DECISION ON PETITION
Filed: June 21, 2004 : TO WITHDRAW
Attorney Docket No. 71993-75310 : 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 29, 2006.

The request is **NOT APPROVED**.

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

The Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, "[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]" More specifically, 37 CFR 10.40 states, "[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is" for one the permissive reasons listed in 37 CFR 10.40(c). The reasons set forth in the request, "Leaving the employ of Customer No. 26288", do not meet any of the conditions set forth in 37 CFR 10.40.

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

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

David Bucci
Petitions Examiner
Office of Petitions

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Timothy Platt
Albihns, Stockholm, AB
Box 5581 Linnegatan 2
SE – 114 85 Stockholm; Sweden
Stockholm, SE SWEDEN

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APR **2 6** 2007

OFFICE OF PETITIONS

In re Application of	:	
Fredrik Gustafasson et al.	:	
Application No. 10/872,012	:	DECISION ON PETITION
Filed: June 21, 2004	:	TO WITHDRAW
Attorney Docket No. 71993.75310	:	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 13, 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.

The revocation and power of attorney filed on November 28, 2006 is not acceptable since it was signed by an attorney. Attention is directed to MPEP 324 under "Party Who Must sign," which states, in part:

> A power of attorney (37 CFR 1.32(b)(4) to a patent practitioner to prosecute a patent application executed by the applicant or the assignee of the entire interest does not make that practitioner an official of an assignee or empower the practitioner to sign the submission on behalf of the assignee.

Accordingly, as the power of attorney is not signed by a party as set out in MPEP 324, the revocation and power of attorney is not accepted. If the firm of Harness, Dickey & Pierce desires to receive future correspondence regarding this application, the proper power of attorney documents must be submitted. A courtesy copy of this decision is being mailed to the firm Harness, Dickey and Pierce.

A courtesy copy of this decision is being mailed to the first named inventor at the address noted in the Declaration for Patent Application, as well as to the address noted in the request.

A final rejection was mailed on March 19, 2007. Failure to respond within the set or extended time period will result in the abandonment of this application.

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

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272- 4618.

Frances Hicks
Petitions Examiner
Office of Petitions

cc: Harness, Dickey & Pierce, P.L.C.
P.O. Box 8910
Reston, VA 20195

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 4-25-08 **Paper No.:** _____

TO SPE OF : ART UNIT 1648

SUBJECT : Request for Certificate of Correction on Patent No.: 7201909 C 10/872014

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.

Contention Date (Please Respond ASAP) Eva James

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:

BRUCE R. CAMPELL, PH.D
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600

B Campell — SPE

1648 — Art Unit

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LOS ALAMOS NATIONAL SECURITY, LLC
LOS ALAMOS NATIONAL LABORATORY
PPO. BOX 1663, LC/IP, MS A187
LOS ALAMOS, NM 87545

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OFFICE OF PETITIONS

In re Application of	:	
David Clark et al	:	
Application No. 10/872,054	:	ON PETITION
Filed: June 18, 2004	:	
Attorney Docket No. S-100,649	:	

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

The petition is **GRANTED.**

The above-identified application became abandoned for failure to submit the formal drawings in a timely manner in reply to the Notice of Allowance mailed August 30, 2006, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on December 1, 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 formal drawings; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the issue fee is accepted as having been unintentionally delayed.

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

This matter is being referred to the Publishing Division for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

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JUL 18 2008

CARLSON, GASKEY & OLDS, P.C.
400 WEST MAPLE ROAD
SUITE 350
BIRMINGHAM MI 48009

In re Patent No. 7,374,084

Issue Date: May 20, 2008

Application No. 10/872,078

Filed: June 18, 2004

Attorney Docket No. 60137-244;224-3048-U

ON PETITION

This is a decision on the petition filed June 18, 2008, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the assignee data on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **granted**.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3222. Any questions concerning the issuance of the Certificate of Correction should be directed to the Certificate of Correction Branch at (703) 305-8309.

The file will be directed to the Certificate of Correction Branch for issuance of the requested Certificate of Correction.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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

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AUG 16 2004

OFFICE OF THE DIRECTOR
TC 3600

HENRICKS SLAVIN AND HOLMES LLP
840 Apollo Street
Suite 200
El Segundo, CA 90245

In re application of : **DECISION ON PETITION**
Robert B. Dybdal et al : **TO MAKE SPECIAL**
Application No. 10/872,094 : **(APPLICANT'S AGE)**
Filed: June 17, 2004 :
For: SYSTEM AND METHOD FOR ANTENNA TRACKING

This is a decision on the petition submitted on June 17, 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. Pidhayny 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: 8/10/04

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Isis Pharmaceuticals, Inc.
1896 Rutherford Road
Carlsbad, CA 92008

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OFFICE OF PETITIONS

In re Application of	:	
Eric E. Swayze et al.	:	
Application No. 10/872,106	:	DECISION ON PETITION
Filed: June 18, 2004	:	TO WITHDRAW
Attorney Docket No. ISISO136-100 (CHEM0019US)	:	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 13, 2006.

The request is **moot because a revocation of power of attorney has been filed**.

A review of the file record indicates that the power of attorney to Paul K. Legaard and all attorneys/agents of record have been revoked by the assignee of the patent application on May 30, 2006. 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: Jones Day for
Isis Pharamaceuticals, Inc.
222 East 41st Street
New York, NY 10017-6702

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

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JUN 23 2006

OFFICE OF PETITIONS

In re Application of :
Shanthi Pavan :
Application No. 10/872,108 :
Filed: June 17, 2004 :
Attorney Docket No. 021795-000500US :

DECISION ON REQUEST TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed by facsimile transmission on December 20, 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 CFR § 1.136(a).

The request was signed by Ko-Fang Chang, on behalf of all attorneys/agents of record who are associated with Customer No. 20350.

All the attorneys/agents associated with the Customer No. 20350 have been withdrawn. Therefore, applicant is reminded that there are no attorneys/agents of record at this time.

While the assignee attempted to intervene in the above-identified application, the substitution of attorney with change of address for correspondence filed December 23, 2005 does not comply with the requirements of 37 CFR 3.73(b), in that, the document failed to show the chain of title from the original owner to the current assignee. Therefore, in order for the substitution of attorney with change of address for correspondence to be acceptable, compliance with 37 CFR 3.73(b) must be satisfied. It is recommended that the assignee/attorney use the form found on the USPTO.gov website (Form No. PTO/SB/96).

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

There is an outstanding Office action mailed April 17, 2006 that requires a reply from the applicant.

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

Andrea Smith
Petitions Examiner
Office of Petitions

Conferee:

cc: SHANTHI PAVAN
c/o DEPARTMENT OF ELECTRICAL ENGINEERING
INDIAN INSTITUTE OF TECHNOLOGY
MADRAS, INDIA 600 036

CHRISTIE, PARKER & HALE, LLP
P.O. BOX 7068
PASADENA, CA 91109-7068

DAN CAVANAGH
CHRISTIE, PARKER & HALE, LLP
3501 JAMBOREE ROAD
NORTH TOWER, SUITE 6000
NEWPORT BEACH, CA 92660

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9250 W 5TH AVENUE
SUITE 200
LAKEWOOD, CO 80226

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OFFICE OF PETITIONS

In re Application of	:	
RING, et al.	:	
Application No. 10/872,136	:	DECISION ON PETITION
Filed: June 17, 2004	:	TO WITHDRAW
Attorney Docket No. 2065	:	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 31, 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 Michael R. Henson on behalf of all attorneys of record who are associated with Customer No. 24264. All attorneys/agents associated with the Customer No. 24264 have been withdrawn.

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

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

There is no outstanding Office action that requires a reply from the applicant.

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

Patricia Volpe
Petitions Examiner
Office of Petitions

cc: SANDRA E. RING
9 FORREST STREET
ALEXANDRIA, VA 22305

cc: SYTEX, INC.
C/O BARBARA LOSCALZO
VICE PRESIDENT AND GENERAL COUNSEL
LOCKHEED MARTIN INFORMATION & TECHNOLOGY SERVICES
2339 ROUTE 70 WEST
CHERRY HILL, NJ 08002

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United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/872,136	06/17/2004	Sandra E. Ring	2065

CONFIRMATION NO. 8698

OC000000021117224

24264
MARTIN & HENSON, P.C.
9250 W 5TH AVENUE
SUITE 200
LAKEWOOD, CO 80226

Date Mailed: 11/06/2006

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/31/2006.

- 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.

PATRICIA A VOLPE
OP (571) 272-6825

FORMER ATTORNEY/AGENT COPY

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June 19, 2008

Michael D. Wiggins
Harness, Dickey & Pierce, P.L.C.
P. O. Box 828
Bloomfield Hills, MI 48303

Patent No.: RE39, 514 E
Application No.: 10/872,147
Inventor(s): David Shemla
Issued: *March 13, 2007
Title: SWITCHING ETHERNET CONTROLLER

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.

Virginia Tolbert
For Mary Diggs, Supervisor
Decisions & Certificate of Correction Branch
(703) 305-8309 or (703) **308-9390 ext 113**

vt

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AUG 17 2009

OFFICE OF PETITIONS

K&L Gates LLP
3580 Carmel Mountain Road
Suite 200
San Diego CA 92130

In re Application of :
Szalay et al. :
Application No. 10/872,156 :
Filed: June 18, 2004 :
Attorney Docket No. 119356-00002/4802 :

ON APPLICATION FOR
PATENT TERM ADJUSTMENT

This is in response to the "Letter Regarding Patent Term Adjustment At Allowance Pursuant To Comment 43 of Final Rule", which is being treated as an Application For Patent Term Adjustment Under 37 CFR §1.705(b), filed February 26, 2009. Applicants request that the initial determination of patent term adjustment under 35 U.S.C. 154(b) be corrected from seventy-three (73) days to seventy-four (74) days.

The request for review of the 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 seventy-four **(74)** days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On December 30, 2008, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated the patent term adjustment to date is 73 days. Applicants dispute the 93- day reduction for the submission of the response on February 1, 2008. Applicants contend that the response to the July 31, 2007 Office action was submitted via Express Mail pursuant to 37 CFR 1.10 on January 31, 2008. Thus, applicants state the reduction should utilize the receipt date of January 31, 2008 and not February 1, 2008.

A period of reduction of 93 days was entered based upon applicant taking in excess of 93 days pursuant to 37 CFR 1.704(b). The 93-day reduction used February 1, 2008 as the receipt date of the reply to the Office action. However review of the record shows that the reply to the Office action was submitted via Express Mail pursuant to 37 CFR 1.10 on January 31, 2008. Accordingly, the proper reduction of 92 days (November 1, 2007-January 31, 2008) is warranted.

In view thereof, the correct determination of PTA at the time of the mailing of the notice of allowance is SEVENTY-FOUR (74) days.

Pursuant to 37 CFR 1.18(e) the Office has accessed the $200.00 petition fee to deposit account 02-1818. After a notice of allowance has been mailed, an application for patent term adjustment (and the fee) must be filed. See 37 CFR 1.705(b).

The application is being forwarded to the Office of Data Management for issuance of a patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

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

Kery A. Fries

Kery Fries
Senior Legal Advisor Attorney
Office of Patent Legal Administration

Day : Monday
Date: 8/17/2009

PALM INTRANET

Time: 09:25:26

PTA Calculations for Application: 10/872156			
Application Filing Date:	06/18/2004	PTO Delay (PTO):	327
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	254
Post-Issue Petitions:	0	Total PTA (days):	74
PTO Delay Adjustment:	1		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
135	08/17/2009	ADJUSTMENT OF PTA CALCULATION BY PTO	1		
115	12/30/2008	MAIL NOTICE OF ALLOWANCE			
114	12/29/2008	ISSUE REVISION COMPLETED			
113	12/29/2008	DOCUMENT VERIFICATION			
112	12/29/2008	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
111	12/29/2008	EXAMINER'S AMENDMENT COMMUNICATION			
110	12/29/2008	NOTICE OF ALLOWABILITY			
103	10/22/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
102	09/12/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
101	10/22/2008	REFERENCE CAPTURE ON IDS			
100	10/22/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		40	92
98	10/22/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
97	09/12/2008	REFERENCE CAPTURE ON IDS			
96	09/12/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
95	09/12/2008	AFFIDAVIT(S) (RULE 131 OR 132) OR EXHIBIT(S) RECEIVED			
94	09/12/2008	REQUEST FOR FOREIGN PRIORITY (PRIORITY PAPERS MAY BE INCLUDED)			
93	10/21/2008	DATE FORWARDED TO EXAMINER			
92	09/12/2008	RESPONSE AFTER NON-FINAL ACTION		31	85
91	09/12/2008	REQUEST FOR EXTENSION OF TIME - GRANTED			

90	10/21/2008	CHANGE IN POWER OF ATTORNEY (MAY INCLUDE ASSOCIATE POA)			
89	09/12/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
88	09/16/2008	GRANT REQUEST FOR RETROACTIVE LICENSE			
87	09/09/2008	CORRESPONDENCE ADDRESS CHANGE			
86	05/14/2008	REQUEST FOR RETROACTIVE LICENSE			
85	05/12/2008	MAIL NON-FINAL REJECTION			
84	05/12/2008	NON-FINAL REJECTION			
83	01/31/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
82	01/31/2008	REFERENCE CAPTURE ON IDS			
81	01/31/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
79	02/29/2008	DATE FORWARDED TO EXAMINER			
78	02/01/2008	RESPONSE AFTER NON-FINAL ACTION		93	74
77	02/01/2008	REQUEST FOR EXTENSION OF TIME - GRANTED			
75	01/31/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
74	07/31/2007	MAIL NON-FINAL REJECTION			
73	07/26/2007	NON-FINAL REJECTION			
70	11/06/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
69	11/06/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
68	04/25/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
67	04/25/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
65	04/25/2007	NEW OR ADDITIONAL DRAWING FILED			
64	05/15/2007	DATE FORWARDED TO EXAMINER			
63	04/25/2007	RESPONSE AFTER NON-FINAL ACTION		90	58
62	04/25/2007	REQUEST FOR EXTENSION OF TIME - GRANTED			
61	04/25/2007	REFERENCE CAPTURE ON IDS			
60	04/25/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
59.7	11/06/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
		INFORMATION DISCLOSURE STATEMENT (IDS)			

59	11/06/2006	FILED			
58	10/25/2006	MAIL NON-FINAL REJECTION			
57	10/16/2006	NON-FINAL REJECTION			
56	02/17/2005	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
55	08/04/2005	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
54	10/07/2005	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
53	04/21/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
51	10/26/2004	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
48	05/31/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
47	07/13/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
46	08/15/2006	DATE FORWARDED TO EXAMINER			
45	08/02/2006	RESPONSE TO ELECTION / RESTRICTION FILED			
44.7	07/13/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
44	07/13/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
43	07/24/2006	MAIL EXAMINER INTERVIEW SUMMARY (PTOL - 413)			
42	07/20/2006	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
41	07/11/2006	MAIL RESTRICTION REQUIREMENT	327		-1
40	07/06/2006	REQUIREMENT FOR RESTRICTION / ELECTION			
39.7	05/31/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
39	05/31/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
38	05/16/2006	SUBSTITUTE SPECIFICATION FILED			
37	05/16/2006	PRELIMINARY AMENDMENT			
36	04/28/2006	PRELIMINARY AMENDMENT			
35	05/05/2006	CASE DOCKETED TO EXAMINER IN GAU			
34	11/04/2005	PRELIMINARY AMENDMENT			
30.7	04/21/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
30	04/21/2006	INFORMATION DISCLOSURE STATEMENT (IDS)			

		FILED			
29	10/07/2005	REFERENCE CAPTURE ON IDS			
28.7	10/07/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
28	10/07/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
27	08/04/2005	REFERENCE CAPTURE ON IDS			
26.7	08/04/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
26	08/04/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
25	02/17/2005	REFERENCE CAPTURE ON IDS			
24.7	02/17/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
24	02/17/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
23	11/04/2004	PRELIMINARY AMENDMENT			
22	11/26/2004	CASE DOCKETED TO EXAMINER IN GAU			
21	11/26/2004	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
20	10/26/2004	REFERENCE CAPTURE ON IDS			
19.7	10/26/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
19	10/26/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
18	11/03/2004	APPLICATION RETURN FROM OIPE			
17	11/03/2004	APPLICATION RETURN TO OIPE			
16	11/03/2004	APPLICATION RETURN FROM OIPE			
15	11/03/2004	APPLICATION IS NOW COMPLETE			
14	11/03/2004	APPLICATION RETURN TO OIPE			
13	11/03/2004	APPLICATION DISPATCHED FROM OIPE			
12	11/03/2004	APPLICATION IS NOW COMPLETE			
11	10/15/2004	ADDITIONAL APPLICATION FILING FEES			
10	10/15/2004	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
9	08/17/2004	NOTICE MAILED--APPLICATION INCOMPLETE--FILING DATE ASSIGNED			
7	08/11/2004	CLEARED BY L&R (LARS)			
6	07/29/2004	REFERRED TO LEVEL 2 (LARS) BY OIPE CSR			

5	07/29/2004	CASE CLASSIFIED BY OIPE			
4	07/15/2004	IFW SCAN & PACR AUTO SECURITY REVIEW			
3	07/02/2004	CRF IS GOOD TECHNICALLY / ENTERED INTO DATABASE			
2	06/18/2004	CRF DISK HAS BEEN RECEIVED BY PREEXAM / GROUP / PCT			
1	06/18/2004	INITIAL EXAM TEAM NN			

Search Another: Application# [ ] Search

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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K&L Gates LLP
3580 Carmel Mountain Road
Suite 200
San Diego, CA 92130

Mail Date: 04/21/2010

Applicant	: Aladar A. Szalay	: DECISION ON REQUEST FOR
Patent Number	: 7588767	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/872,156	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/18/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **894** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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OFFICE OF PETITIONS

In re Application of :
Angrit Weber et al. :
Application No. 10/872,162 : DECISION ON PETITION
Filed: June 18, 2004 : UNDER 37 C.F.R. §1.10(E)
Attorney Docket No. HENK- :
0086/H5390PCT :
Title: ALKALINE PROTEASE FROM :
BACILLUS GIBSONII (DSM 14393) AND :
WASHING AND CLEANING PRODUCTS :
COMPRISING SAID ALKALINE PROTEASE :

Background

This is a decision on the petition under 37 C.F.R. §1.10(e), submitted on September 16, 2004, requesting that the application be accorded a filing date of June 18, 2004.

In a telephonic discussion with the undersigned on November 5, 2004, Petitioner set forth that she informed by a PTO representative that the application papers were never received. The records establish that a failing receipt has not been mailed.

On September 16, 2004, applicants filed the present petition. Petitioners have included a copy of the Express Mail Label having a number of EL999299208US. Applicants request that the application be accorded a filing date of June 18, 2004.

The relevant sections of the CFR and MPEP

37 C.F.R. §1.10 sets forth, in part:

(e) Any person mailing correspondence addressed as set out in § 1.1(a) to the Office with sufficient postage utilizing the "Express Mail Post Office to Addressee" service of the USPS but not received by the Office, may petition the Director to consider such correspondence filed in the Office on the USPS deposit date, provided that:

(1) The petition is filed promptly after the person becomes aware that the Office has no evidence of receipt of the correspondence;

(2) The number of the "Express Mail" mailing label was placed on the paper(s)or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail";

(3) The petition includes a copy of the originally deposited paper(s) or fee(s) that constitute the correspondence showing the number of the "Express Mail" mailing label thereon, a copy of any returned postcard receipt, a copy of the "Express Mail" mailing label showing the "date-in," a copy of any other official notation by the USPS relied upon to show the date of deposit, and, if the requested filing date is a date other than the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS, a showing pursuant to paragraph (d)(3) of this section that the requested filing date was the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day; and (4) The petition includes a statement which establishes, to the satisfaction of the Director, the original deposit of the correspondence and that the copies of the correspondence, the copy of the "Express Mail" mailing label, the copy of any returned postcard receipt, and any official notation entered by the USPS are true copies of the originally mailed correspondence, original "Express Mail" mailing label, returned postcard receipt, and official notation entered by the USPS.

[48 FR 2708, Jan. 20, 1983, added effective Feb. 27, 1983; 48 FR 4285, Jan. 31, 1983, paras. (a) & (c), 49 FR 552, Jan. 4, 1984, effective Apr. 1, 1984; paras. (a)-(c) revised and paras. (d) - (f) added, 61 FR 56439, Nov. 1, 1996, effective Dec. 2, 1996; paras. (d) & (e) revised, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997; para. (a) revised, 67 FR 36099, May 23, 2002, effective June 24, 2002; paras. (c), (d), (d)(3), (e) & (e)(4) revised, 68 FR 14332, Mar. 25, 2003, effective May 1, 2003; para. (a)(1) revised, 68 FR 48286, Aug. 13, 2003, effective Sept. 12, 2003]

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

Oddly enough, the electronic record has been reviewed, and the application papers appear in the electronic file. They have been assigned an electronic date of "06-18-2004," and bear a stamp from the Office of Initial Patent Examination (OIPE) dated "061804." The financial information pertaining to this application has been reviewed in the Office's Patent Application Location and Monitoring database (PALM), and the filing fee, the fee associated with the filing of excess claims, and the fee associated with the filing of extra independent claims were each charged to Petitioner's Deposit Account on June 24, 2004, which suggests that the application papers were received slightly prior to that date.

PALM has been checked, and the entry "00/00/000" in the filing date field makes it clear that a filing date has not been assigned to this application.

Furthermore, the Utility Patent Application Transmittal sheet has been located in the electronic file, and it is noted that it contains Express Mail label number EL999299208US.

Regarding the Express Mail label, it is noted that the label contains a "date-in" of June 18, 2004.

CONCLUSION

It is not entirely clear exactly why a filing date was not assigned to this application, as it certainly appears that the papers were not only received, but were stamped by OIPE with the date "061804."

Accordingly, the petition is **GRANTED**. The application is entitled to a filing date of June 18, 2004. Since this petition was necessitated by an error on the part of the Office, the petition fee will be refunded to Petitioner's Deposit Account, as authorized in the petition.

The application file is being returned to the Office of Initial Patent Examination for further processing with a filing date of June 18, 2004, as well as the mailing of a corrected filing receipt.

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

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OFFICE OF PETITIONS

In re Application of :
Angrit Weber et al :
Application No. 10/872,162 : ON PETITION
Filed: June 18, 2004 :
Attorney Docket No. 0086/H5390PCT :

This is a decision on the petition, filed December 30, 2004, to change one of the named inventors

The petition is granted.

The name of one of the named inventors will be changed from "Susanne Schmitz" to "Susanne Wieland."

A copy of the corrected filing receipt is enclosed.

Telephone inquiries concerning this matter may 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

Enclosure: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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Paper No. None

WOODCOCK WASHBURN LLP
ONE LIBERTY PLACE, 46TH FLOOR
PHILADELPHIA PA 19103

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NOV 0 9 2004

OFFICE OF PETITIONS

In re Application of :
Angrit Weber et al. :
Application No. 10/872,166 : DECISION ON PETITION
Filed: June 18, 2004 : UNDER 37 C.F.R. §1.182
Attorney Docket No. HENK-0087/H5385 :
Title: ALKALINE PROTEASE FROM BACILLUS :
GIBSONII (DSM 14391) AND WASHING AND :
CLEANING PRODUCTS COMPRISING SAID :
ALKALINE PROTEASE

This is a decision on the petition under 37 C.F.R. §1.182, filed September 13, 2004, to change the name of one of the joint inventors. Petitioner has requested that the inventor formerly known as "Susanne Schmitz" be listed as "Susanne Wieland." Petitioner has submitted the petition fee, as well as a marriage certificate. However, Petitioner has not submitted an affidavit which has been signed with both names.

As such, the petition under 37 C.F.R. §1.182 is **DISMISSED**.

Any reply must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition Under 37 C.F.R. §1.182." This is not a final agency action within the meaning of 5 U.S.C §704.

The renewed petition should display "Please deliver to Paul Shanoski, c/o Office of Petitions" in a prominent manner.

To help assure prompt and proper attention to your response, please see Request for Alert Concerning Submitted Petitions, 1282 Official Gazette (May 18, 2004) for further information on how to assist the Office in delivering your submission to the correct location. The Petitioner may wish to consider telephoning the undersigned one month after the submission is made to confirm that the documents were properly delivered.

Any renewed petition may be submitted by mail[1], hand-delivery[2], or facsimile[3].

The application file will be retained in the Office of Petitions for two (2) months.

The 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 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

2 Customer Window, Mail Stop Petition, Crystal Plaza Two, Lobby, Room 1B03, Arlington, Virginia 22202.

3 (703) 872-9306 - please note this is a central facsimile number, and as such, there will be a delay in the delivery of the facsimile to the undersigned, which could be as much as one month.

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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Paper No. None

WOODCOCK WASHBURN LLP
ONE LIBERTY PLACE, 46TH FLOOR
PHILADELPHIA PA 19103

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DEC 29 2004

OFFICE OF PETITIONS

In re Application of
Angrit Weber et al.
Application No. 10/872,166
Filed: June 18, 2004
Attorney Docket No. HENK-0087/H5385
Title: ALKALINE PROTEASE FROM BACILLUS GIBSONII (DSM 14391) AND WASHING AND CLEANING PRODUCTS COMPRISING SAID ALKALINE PROTEASE

DECISION ON RENEWED PETITION UNDER 37 C.F.R. §1.182

This is a decision on the renewed petition under 37 C.F.R. §1.182, filed December 1, 2004, to change the name of one of the joint inventors. Petitioner has requested that the inventor formerly known as "Susanne Schmitz" be listed as "Susanne Wieland."

The original petition was submitted on September 13, 2004, along with the petition fee and a marriage certificate. However, Petitioner failed to submit an affidavit which had been signed with both names, and a decision which dismissed the original petition was mailed on November 9, 2004.

With the renewed petition, Petitioner has submitted an affidavit signed by both names.

The petition under 37 C.F.R. §1.182 is **GRANTED**. The inventor is now listed as:

Susanne Wieland

A corrected filing receipt has been enclosed.

This application is being forwarded to Technology Center 1600 for further processing.

The general phone number for the Office of Petitions which should be used for status requests is (571) 272-3282. Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.

Enclosure: Corrected Filing Receipt

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

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FROM DIRECTORS OFFICE

OCT 03 2006

TECHNOLOGY CENTER 3600

BELASCO, JACOBS, & TOWNSLEY LLP
HOWARD HUGHES CENTER
6100 CENTER DRIVE
SUITE 630
LOS ANGELES, CA 90045

In re application of
Joseph J. Molinaro
Application No. 10/872,178
Filed: June 18, 2004
For: STORE SECURITY DEVICE WITH ADVERTISING COVER

: **DECISION ON PETITION**
: **TO MAKE SPECIAL**
: **(ACCELERATED**
: **EXAMINATION)**

This is in response to the petition filed on August 16, 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.**

Kenneth J. Dorner
Special Programs Examiner
Technology Center 3600
(571) 272-6587

KJD/slb: 09/05/06

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WONG, CABELLO, LUTSCH, RUTHERFORD & BRUCCULERI LLP
20333 Tomball Parkway
SUITE 600
HOUSTON TX 77070

MAILED

JUN 25 2010

OFFICE OF PETITIONS

In re Patent of Warren et. al.	:	DECISION ON REQUEST
Patent No. 7,644,397	:	FOR RECONSIDERATION OF
Issue Date: January 5, 2010	:	PATENT TERM ADJUSTMENT
Application No. 10/872,207	:	AND NOTICE OF INTENT TO
Filing Date: June 19, 2004	:	ISSUE CERTIFICATE OF
Attorney Docket No. 119-0045US	:	CORRECTION

This is a decision on the petition filed on January 19, 2010, which is being treated as a petition under 37 C.F.R. § 1.705(d) requesting the patent term adjustment indicated on the patent be corrected to indicate the term of the patent is extended or adjusted by one thousand four hundred thirty-six (1436) days.

The petition to correct the patent term adjustment indicated on the patent to indicate the term of the patent is extended or adjusted by one thousand four hundred thirty-six (1436) days is **GRANTED**.

The Office acknowledges submission of the $200.00 fee set forth in 37 C.F.R. § 1.18(e). No additional fees are required.

The application is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the patent is extended or adjusted by **one thousand four hundred thirty-six (1436)** days.

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO.	:	7,644,397 B2
APPLICATION NO.	:	10/872,207
DATED	:	January 5, 2010
INVENTOR(S)	:	Christina E. Warren 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 Title page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 787 days.

Delete the phrase "by 787 days" and insert -- by 1436 days--

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 3/19/08

Paper No.: —

TO SPE OF : ART UNIT 1752

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/872209 Patent No: 7261998 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: _____

_____

_____

_____

_____

Cynthia H. Kelly — SPE

1795 — 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
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In re Patent No. 6948196
Issue Date: September 27,2005
Application No. 10872218
Filed: June 18,2004
Attorney Docket No. 8427-2

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

This is a decision on the electronic petition, filed November 19,2009 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of November 19,2009 . This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

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

PTO/SB/66 (03-09)
Approved for use through 03/31/2012. OMB 0651-0016
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6948196	2005-09-27	10872218	2004-06-18	

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

Sole Patentee			
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	/Dr. Susan P. Hinton/	Date (YYYY-MM-DD)	2009-11-19
Name	Dr. Susan P. Hinton		

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

Privacy Act Statement

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

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

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

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

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

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

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

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

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

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

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

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LISA A HAILE JD PHD
GRAY CARY WARE & FREIDENRICH LLP
4365 EXECUITE DR
SUITE 1100
SAN DIEGO CA 92121-2133

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MAY 16 2005

OFFICE OF PETITIONS

In re Application of :
Sukumar, et al. :
Application No. 10/872,229 : DECISION ON PETITION
Filed: June 18, 2004 :
Attorney Docket No. JHU1630-4 :

This is a decision on the "PETITION TO SUPPLY OMITTED ITEMS AND ACCEPT FILING DATE RESULTING FROM DATE OF SUBMISSION OF OMITTED ITEMS UNDER 37 CFR § 1.182", filed October 12, 2004, requesting that the above-identified application be accorded a filing date of June 18, 2004, with Figures 4A, 5A, 5B, 6A, 7A, 8A, 9A, 9B, 10A and 11 of the drawings as part of the original disclosure.

The petition is **DISMISSED**.

The application was filed on June 18, 2004. However, on August 16, 2004, the Office mailed a "Notice of Omitted Item(s) in a Nonprovisional Application", stating that the application had been accorded a filing date of June 18, 2004; however, Figures 4A, 5A, 5B, 6A, 7A, 8A, 9A, 9B, 10A and 11 described in the specification appeared to have been omitted.

In response, the present petition was filed. Petitioner admits that the drawing figures in question were inadvertently omitted from the above-identified application. However, petitioner states that the drawings were filed with the parent application

and do not constitute new matter.

Figures not present on the filing date cannot be considered a part of the original disclosure of the application. As Figures 4A, 5A, 5B, 6A, 7A, 8A, 9A, 9B, 10A and 11 were not present in the Office on June 18, 2004, the application can not be accorded the June 18, 2004 filing date with the drawings of Figures 4A, 5A, 5B, 6A, 7A, 8A, 9A, 9B, 10A and 11 as a part of the original disclosure.

Accordingly, the Notice mailed on August 16, 2004, was correct in stating that Figures 4A, 5A, 5B, 6A, 7A, 8A, 9A, 9B, 10A and 11 of the drawings appeared to have been omitted. Therefore, the requirement for the omitted figures of drawings was proper and will not be withdrawn.

However, a review of the application file reveals that the first line of the specification included an incorporation by reference statement to application no. 09/771,337.

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 application no. 09/771,337, the drawings of Figures 4A, 5A, 5B, 6A, 7A, 8A, 9A, 9B, 10A and 11 are not new matter if they were a part of the disclosure of that application.

The $130 petition fee will not be refunded because the petition was not necessitated by any error on the part of the United States Patent and Trademark Office.

The application is being returned to the Office of Initial Patent Examination for further processing, using the application papers filed June 18, 2004, and for indication in Office records that eighteen (18) sheets of drawings were present on filing.

Telephone inquiries specific to this matter should be directed to the undersigned at 571-272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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HUNTON & WILLIAMS LLP
INTELLECTUAL PROPERTY DEPARTMENT
RIVERFRONT PLAZA, EAST TOWER
951 EAST BYRD ST.
RICHMOND, VA 23219-4074

Mail Date: 04/21/2010

Applicant	: Alfred V. Alasia	: DECISION ON REQUEST FOR
Patent Number	: 7634104	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/872,232	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/18/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1540** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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WILLIAM ANTHONY DRUCKER
SUITE 800
1901 L STREET, N.W.
WASHINGTON DC 20036-3506

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APR 25 2007

OFFICE OF PETITIONS

In re Application of :
LE METAYER, Daniel et al. :
Application No. 10/872,233 : DECISION ON PETITION
Filed: June 8, 2004 : TO WITHDRAW
Attorney Docket No. **TRUSB0016** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 26, 2007.

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

A review of the file record indicates that the power of attorney to WILLIAM ANTHONY DRUCKER has been revoked by the applicant of the patent application on March 21, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **BROWDY AND NEIMARK, P.L.L.C.**
624 NINTH STREET, NW
SUITE 300
WASHINGTON, DC 20001-5303

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Paper No. 20070716

TUNG & ASSOCIATES
Suite 120
838 W. Long Lake Road
Bloomfield Hills, MI 48302

MAILED FROM
DIRECTORS OFFICE
JUL 18 2007
TECHNOLOGY CENTER 2800

In re Application of
Yu-Liang Lin et al.
Application No.: 10/872,238
Filed: June 18, 2004
Attorney Docket No. **67,200-916**

WITHDRAWAL FROM ISSUE
37 CFR 1.313

The purpose of this communication is to inform you that the above-identified application is being withdrawn from issue pursuant to 37 CFR 1.313.

The application is being withdrawn from issue because the application was not complete and ready for examination: the oath/declaration was not executed by all inventors and no petition under Rule 1.47 or 1.183 has been filed.

The US Patent and Trademark Office records reveal that the issue fee has not been paid. If the issue fee has been submitted, the applicant may request a refund, or may request that the fee be credited to a deposit account. However, applicant may wait until the application is either again found allowable or held abandoned. If the application is allowed, upon receipt of a new Notice of Allowance and Fee(s) Due, applicant may request that the previously submitted issue fee be applied toward payment of the issue fee in the amount identified on the new Notice of Allowance and Fee(s) Due. If the application is abandoned, applicant may request either a refund or a credit to a Deposit Account.

Any question regarding this communication should be directed to B. William Baumeister, Supervisory Patent Examiner, at (571) 272-1722.

The application is being returned to the Office of Initial Patent Examination (OIPE) for consideration of the deficient oath/declaration and for taking appropriate action.

Sharon Gibson, Group Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

UNITED STATES PATENT AND TRADEMARK OFFICE

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SUITE 120
838 W. LONG LAKE ROAD
BLOOMFIELD HILLS MI 48302

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JUL 27 2007

OFFICE OF PETITIONS

In re Application of	:	
Lin, Lo, Chang, Huang, Lu, Yeh,	:	DECISION REFUSING STATUS
Liang, Lin, Zhou, Wu, Liu,	:	UNDER 37 CFR 1.47(a)
Huang, Chen, and Wang	:	
Application No. 10/872238	:	
Filed: 06/18/2004	:	
Atty Docket No. 67,200-916	:	

This is in response to the petition under 37 CFR 1.47(a) filed on 18 June, 2004.

The Office apologizes for the delay in responding to the present petition and regrets any inconvenience to petitioners.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Extensions of time may be obtained in accordance with 37 CFR 1.136(a).

The above-identified application was filed on 18 June, 2004, with a declaration naming Yu-Liang Lin, Henry Lo, Chung-Long Chang, Gorge Huang, Tony Lu, Gnesh Yeh, Candy Liang, Chun-Hsien Lin,

Meisheng Zhou, Sunny Wu, Ai-Sen Liu, Cheng-Lin Huang, Li-Jui Chen, and Shih Che Wang, signed by all inventors except Candy Liang on behalf of themselves and non-signing joint inventor Liang. The present petition and petition fee were also filed.

Petitioners assert that the non-signing joint inventor could not be reached.

A grantable petition under 37 CFR 1.47(a) requires:

(1) proof that the non-signing inventor cannot be reached or located, notwithstanding diligent effort, or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);
(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;
(3) the petition fee;
(4) a surcharge of $130 or $65 (small entity) if the petition and/or declaration is not filed at the time of filing the application, and
(5) a statement of the last known address of the non-signing inventor.

The petition lacks items (1), (2), and (5).

In regards to item (1), petitioners have not provided proof that Ruiz was ever sent or presented with a copy of the application as filed (specification, including claims, drawings, if any, and the declaration).[1] In order for a Rule 47 petition to be granted, the inventor **must** be afforded an opportunity to review the application.[2] Petitioners may show proof that a copy of the application was sent or given to the non-signing inventor for review by providing a copy of the cover letter transmitting the application papers (specification, including claims, drawings, if any, and the declaration) to the non-signing inventor or details given in an affidavit or declaration of facts by a person having first-hand knowledge of the details.

Likewise, before a *bona fide* refusal to sign the declaration can be alleged, petitioners must show that a copy of the application was sent or given to the inventor. If the inventor refuses in writing, petitioners must submit a copy of that written refusal

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[1] MPEP 409.03(d).

[2] See In re Gray, 115 USPQ 80 (Comm'r Pat. 1956). The application papers must be sent or given to the non-signing inventor unless he or she refuses to accept delivery of the papers.

with any renewed petition. If the refusal was made orally to a person, then that person must provide details of the refusal in an affidavit or declaration of facts.

If the envelope sent to the non-signing inventor at the last known address is returned as undeliverable by the post office, petitioners should provide a copy of the envelope showing that the application was returned as undeliverable with any renewed petition. If the inventor refuses in writing to sign, a copy of that written refusal should be provided with any renewed petition. If the inventor refuses orally, petitioners should submit details of the refusal in an affidavit or declaration of facts by a person having first-hand knowledge of the refusal.

If repeated attempts to contact the non-signing inventor are unsuccessful, petitioners will have shown that despite diligent efforts, the inventor could not be reached.

In regards to item (2), the declaration contains is defective in that it contains non initialed and/or non-dated alterations.[3] Specifically, there is an uninitialed and/or undated alteration in the signature block(s) for joint inventor Meisheng Zhou and for joint inventor Sunny Wu. A new oath or declaration in compliance with 37 CFR 1.63 and 1.67, signed by the inventors to whom the error or deficiency relates (i.e., Zhou and Wu) is required.[4] Additionally, the oath or declaration is defective in that it does not identify the city and either state or foreign country of residence of the non-signing inventor. The residence information may be provided on either an application data sheet or a supplemental oath or declaration signed by all the signing inventors on behalf of themselves and the nonsigning inventor.[5]

With regards to item (5), the last known address for the non-signing inventor has not been provided. The last known address is that address at which the inventor customarily receives mail.[6] Ordinarily, the last known address will be the last known residence of the non-signing inventor.[7] Petitioners should specify, in their renewed petition, a last known address for the non-signing inventor.

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[3] See 37 CFR 1.52(c).

[4] 37 CFR 1.67(a)(2).

[5] See MPEP 605.02.

[6] See MPEP 605.03.

[7] MPEP 409.03(e).

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

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

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

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

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

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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United States Patent and Trademark Office
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P.O. BOX 28006 1795 HENDERSON HIGHWAY
WINNIPEG MB R2G1P-0 CA CANADA

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NOV 1 3 2006

OFFICE OF PETITIONS

In re Application of :
Gary Shen :
Application No. 10/872,254 : ON PETITION
Filed: June 18, 2004 :
Title: Hirulong-Like Peptide and Gene Therapy :

This is a decision on the petition under 37 CFR 1.181 to withdraw the holding of abandonment, filed September 1, 2006.

The petition to withdraw the holding of abandonment is **GRANTED**.

This application was held abandoned April 21 2006 for failure to timely reply to the non-final Office Action mailed on January 20, 2006. The non-final Office Action set a three (3) month extendable time period for reply. A Notice of Abandonment was mailed August 9, 2006.

Petitioner asserts that a reply to the non-final Office Action was timely submitted on September 13, 2006. As evidence, petitioner has submitted a copy of the reply and a stamped postcard receipt. The post card receipt serves as prima facie evidence that a reply to the Office Action was received in the Office.

The response submitted September 13, 2005 has not been located in the Office, however, in view of the evidence submitted, the response is deemed timely.

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

The power of attorney and change of correspondence address has been entered and made of record.

The application file is being forwarded to Art Unit 1633 for further processing of the amendment submitted on September 1, 2006.

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

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

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DEC 0 5 2008

OFFICE OF PETITIONS

In re Application of :
Gary Shen :
Application No. 10/872,254 : DECISION ON PETITION
Filed: June 18, 2004 :
Attorney Docket No. 2495.00102 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 25, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, December 12, 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 March 13, 2008.

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

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

This application is being referred to Technology Center AU1633 for appropriate action by the Examiner in the normal course of business on the reply received

David Bucci
Petitions Examiner
Office of Petitions

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HONEYWELL INTERNATIONAL INC.
LAW DEPT. AB2
101 COLUMBIA ROAD
MORRISTOWN NJ 07962

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MAY 27 2009

OFFICE OF PETITIONS

In re Patent No. 7,460,549	:	
Cardei et al.	:	DECISION ON
Issue Date: December 2, 2008	:	REQUEST FOR RECONSIDERATION
Application No. 10/872,257	:	OF
Filed: June 18, 2004	:	PATENT TERM ADJUSTMENT
Attorney Docket No.	:	
H0005880-1633	:	

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(d)," filed on January 12, 2009, requesting that the patent term adjustment determination for the above-identified patent be changed from six hundred eighty-five (685) days to nine hundred seventy-eight (978) days.

The request for reconsideration of patent term adjustment is **DISMISSED**.

On December 2, 2008, the above-identified application matured into US Patent No. 7,460,549 with a patent term adjustment of 685 days. This request for reconsideration of patent term adjustment was timely filed within two months of the issue date of the patent. See 1.705(d).

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

Patentees request recalculation of the patent term adjustment to include a 371 day period of adjustment pursuant to 37 C.F.R. §1.703(b). Patentees maintain entitlement to a period of adjustment due to the Three Year Delay by the Office, pursuant to 37 CFR § 1.703(b), of 371 days and the period of adjustment

due to other examination delay, pursuant to 37 CFR §1.702(a), of 685 days.

The 371 day period is calculated based on the application having been filed under 35 U.S.C. §111(a) on June 18, 2004, and a request for continued examination (RCE) having been filed in this application on June 23, 2008, three years and 371 days later. Patentees assert that in addition to this 371 day period, they are entitled to a period of adjustment due to examination delay, pursuant to 37 CFR §1.702(a), of 747 days for the failure by the Office to mail at least one of a notification under 35 U.S.C. 132 not later than fourteen months after the date on which the application was filed under 35 U.S.C. 111(a), pursuant to § 1.702(a)(1). A first non-final Office action was mailed on February 15, 2006, 14 months and 747 days after the application was filed on June 18, 2004.

Under 37 CFR § 1.703(f), Patentees are entitled to a period of patent term adjustment equal to the period of delays based on the grounds set forth in 37 CFR §1.702 reduced by the period of time equal to the period of time during which Patentees failed to engage in reasonable efforts to conclude prosecution pursuant to 37 CFR §1.704. In other words, the period of Office delay reduced by the period of applicant delay. The period of reduction of 62 days for applicant delay is not in dispute.

Patentees agree that the total period of Office delay is the sum of the period of Three Years Delay terminated by the filing of a RCE (371 days) and the period of Examination Delay (747 days) to the extent that these periods of delay are not overlapping. Patentees contend that 78 days of the period of delay of 747 days for the Office's failure to mail at least one of a notification under 35 U.S.C. 132 not later than fourteen months after the date on which the application was filed (August 18, 2005 to September 4, 2007) overlaps with the Three Year Delay period (June 18, 2007 to June 23, 2008). Patentees assert that this overlapping period is the 78 days running from June 18, 2007 to September 4, 2007. Accordingly, patentees submit that the total period of Office Delay is 1040 days, which is the sum of the period of Three Year Delay (371 days) and the period of Examination Delay (747 days), reduced by the period of overlap (78 days).

As such, patentees assert entitlement to a patent term adjustment of 978 days (371 + 747 reduced by 78 overlap - 62 for applicant delay).

The Office agrees that the action detailed above was not taken within the specified time frame, and thus, the entry of period of adjustment of 747 days is correct. At issue is whether patentees should accrue 293 days of patent term adjustment (adjusted for overlap, per patentee's calculations (*i.e.*, 371-78)) for the Office taking in excess of three years to issue the patent, as well as 747 days for Office failure to take certain actions within specified time frames (or examination delay).

The Office contends that all 371 days overlap. Patentees' calculation of the period of overlap is inconsistent with the Office's interpretation of this provision. 35 U.S.C. 154(b)(2)(A) limits the adjustment of patent term, as follows:

> to the extent that the periods of delay attributable to grounds specified in paragraph (1) overlap, the period of any adjustment granted under this subsection shall not exceed the actual number of days the issuance of the patent was delayed.

Likewise, 37 CFR 1.703(f) provides that:

> To the extent that periods of delay attributable to the grounds specified in §1.702 overlap, the period of adjustment granted under this section shall not exceed the actual number of days the issuance of the patent was delayed.

As explained in *Explanation of 37 CFR 1.703(f) and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A)*, 69 Fed. Reg. 34283 (June 21, 2004), the Office interprets 35 U.S.C. 154(b)(2)(A) as permitting either patent term adjustment under 35 U.S.C. 154(b)(1)(A)(i)-(iv), or patent term adjustment under 35 U.S.C. 154(b)(1)(B), but not as permitting patent term adjustment under both 35 U.S.C. 154(b)(1)(A)(i)-(iv) and 154(b)(1)(B). Accordingly, the Office implements the overlap provision as follows:

> If an application is entitled to an adjustment under 35 U.S.C. 154(b)(1)(B), the entire period during which the

> application was pending (except for periods excluded under 35 U.S.C. 154(b)(1)(B)(i)-(iii)), and not just the period beginning three years after the actual filing date of the application, is the period of delay under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay overlap under 35 U.S.C. 154(b)(2)(A). Thus, any days of delay for Office issuance of the patent more than 3 years after the filing date of the application, which overlap with the days of patent term adjustment accorded prior to the issuance of the patent will not result in any additional patent term adjustment. See 35 U.S.C. 154(b)(1)(B), 35 U.S.C. 154(b)(2)(A), and 37 CFR § 1.703(f). See *Changes to Implement Patent Term Adjustment Under Twenty Year Term; Final Rule*, 65 Fed. Reg. 56366 (Sept. 18, 2000). See also *Revision of Patent Term Extension and Patent Term Adjustment Provisions; Final Rule*, 69 Fed. Reg. 21704 (April 22, 2004), 1282 Off. Gaz. Pat. Office 100 (May 18, 2004). See also *Explanation of 37 CFR 1.703(f) and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A)*, 69 Fed. Reg. 34283 (June 21, 2004).

The current wording of § 1.703(f) was revised in response to the misinterpretation of this provision by a number of Patentees. The rule was slightly revised to more closely track the corresponding language of 35 U.S.C. 154(b)(2)(A). The relevant portion differs only to the extent that the statute refers back to provisions of the statute whereas the rule refers back to sections of the rule. This was not a substantive change to the rule nor did it reflect a change of the Office's interpretation of 35 U.S.C. 154(b)(2)(A). As stated in the *Explanation of 37 CFR 1.703(f) and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A)*, the Office has consistently taken the position that if an application is entitled to an adjustment under the three-year pendency provision of 35 U.S.C. 154(b)(1)(B), the entire period during which the application was pending before the Office (except for periods excluded under 35 U.S.C. 154(b)(1)(B)(i)-(iii)), and not just the period beginning three years after the actual filing date of the application, is the relevant period under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay "overlap" under 35 U.S.C. 154(b)(2)(A).

This interpretation is consistent with the statute. Taken together the statute and rule provide that to the extent that periods of delay attributable to grounds specified in 35 U.S.C. 154(b)(1) and in corresponding §1.702 overlap, the period of adjustment granted shall not exceed the actual number of days the issuance of the patent was delayed. The grounds specified in these sections cover the A) guarantee of prompt Patent and Trademark Office responses, B) guarantee of no more than 3 year application pendency, and C) guarantee or adjustments for delays due to interference, secrecy orders and appeals. A section by section analysis of 35 U.S.C. 154(b)(2)(A) specifically provides that:

> Section 4402 imposes limitations on restoration of term. In general, pursuant to [35 U.S.C.] 154(b)(2)(A)-(C), total adjustments granted for restorations under [35 U.S.C. 154](b)(1) are reduced as follows: (1) To the extent that there are multiple grounds for extending the term of a patent that may exist simultaneously (e.g., delay due to a secrecy order under [35 U.S.C.] 181 and administrative delay under [35 U.S.C.] 154(b)(1)(A)), the term should not be extended for each ground of delay but only for the actual number of days that the issuance of a patent was delayed; See 145 Cong. Rec. S14,718[1]

As such, the period for over 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.

In this instance, the relevant period under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay "overlap" under 35 U.S.C. 154(b)(2)(A) is the entire period during which the application was pending before the Office, June 18, 2004, as terminated by the filing of the RCE on June 23, 2008. 747 days of patent term adjustment were accorded prior to the issuance of

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[1] The AIPA is title IV of the Intellectual Property and Communications Omnibus Reform Act of 1999 (S. 1948), which was incorporated and enacted as law as part of Pub. L. 106-113. The Conference Report for H.R. 3194, 106th Cong. 1st Sess. (1999), which resulted in Pub. L. 106-113, does not contain any discussion (other than the incorporated language) of S. 1948. A section-by-section analysis of S. 1948, however, was printed in the Congressional Record at the request of Senator Lott, See 145 Cong. Rec. S14,708-26 (1999)(daily ed. Nov. 17, 1999).

the patent for the Office failing to respond within a specified time frame during the pendency of the application. All of the 371 days for Office delay in issuance of the patent, as terminated by the filing of an RCE, overlap with the 747 days of Office delay accorded prior to issuance of the patent. 747 days is determined to be the actual number of days that the issuance of the patent was delayed, considering the 371 days over three years to the filing of the RCE.

Accordingly, at issuance, the Office properly entered no additional days of patent term adjustment for the Office taking in excess of 3 years to issue the patent.

In view thereof, no adjustment to the patent term will be made.

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

Nancy Johnson
Senior Petitions Attorney
Office of the Deputy Commissioner
for Patent Examination Policy

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INTELLECTUAL PROPERTY DEPARTMENT
FOUR EMBARCADERO CENTER, SUITE 3400
SAN FRANCISCO, CA 94111-4187

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OFFICE OF PETITIONS

In re Application of :
W. Edward Naugler Jr. et al :
Application No. 10/872,268 :
Filed: June 17, 2004 :
Attorney Docket No. 34132/US/2 :

DECISION ON PETITION
TO MAKE SPECIAL UNDER
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed February 3, 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 petition includes a statement by W. Edward Naugler Jr. attesting that he is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to 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 2629 for action on the merits commensurate with this decision.

Wan Laymon
Petitions Examiner
Office of Petitions

cc: HOWREY
1950 UNIVERSITY AVENUE, 4TH FLOOR
EAST PALO ALTO, CA 94303

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United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/872,268	06/17/2004	W. Edward Naugler	34132/US/2

CONFIRMATION NO. 2290

OC000000018374651

Jennifer M. Lane
Dorsey & Whitney LLP
Intellectual Property Department
Four Embarcadero Center, Suite 3400
San Francisco, CA 94111-4187

Date Mailed: 03/24/2006

NOTICE REGARDING POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/03/2006 . The Power of Attorney in this application is not accepted for the reason(s) listed below:

- The Office acknowledges the § 3.73(b) certificate. However, the § 3.73(b) fails to accompany by a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or a statement specifying where 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). *See* 37 CFR 3.73. Also see the notice entitled "Provisions for Claiming the Benefit of a Provisional Application With a Non-English Specification and Other Miscellaneous Matters" (Off. Gaz. Oct. 25,2005).

Wan Laymon

WAN LAYMON
OP (571) 272-3220

FORMER ATTORNEY/AGENT COPY

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PO BOX 747
FALLS CHURCH VA 22040-0747

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DEC 13 2006

OFFICE OF PETITIONS

In re Application of :

MOBBS :
Application No. 10/872,274 : DECISION ON PETITION
Filed: June 18, 2004 : TO WITHDRAW
Attorney Docket No. L4936-0101PUS1 : 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, 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 Leonard R. Svensson on behalf of all attorneys of record who are associated with customer No. 02292. All attorneys/agents associated with the Customer Number 02292 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Nigel Mobbs at the address indicated below until otherwise properly notified by the applicant.

There is an outstanding Office action mailed July 27, 2006 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: **NIGEL MOBBS**
C/O BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

cc: **LINER YANKELEVITZ SUNSHINE AND REGENSTREIF**
1100 GLENDON AVENUE, 14TH FLOOR
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/872,274	06/18/2004	Nigel Mobbs	L4936-0101PUS1

CONFIRMATION NO. 2259

2292
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

OC000000021585535

Date Mailed: 12/13/2006

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/28/2006.

- 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.

MONICA A GRAVES
OP (571) 272-7253

FORMER ATTORNEY/AGENT COPY

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MICHAEL J. BUCHENHORNER
8540 S.W. 83 STREET
MIAMI, FL 33143

Mail Date: 04/20/2010

Applicant	: Kathryn Bassin	: DECISION ON REQUEST FOR
Patent Number	: 7669180	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/872,282	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/18/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1650** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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SUITE 300
AKRON, OH 44311-1076

Mail Date: 04/20/2010

Applicant	: Elliott K. Stava	: DECISION ON REQUEST FOR
Patent Number	: 7645960	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/872,286	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/18/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1608** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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IBM RP-RPS
SAWYER LAW GROUP LLP
2465 E. BAYSHORE ROAD
SUITE NO. 406
PALO ALTO, CA 94303

MAILED

FEB 18 2009

OFFICE OF PETITIONS

In re Application of :
Michael J. Barton :
Application No. 10/872,295 :
Filed: June 17, 2004 :
Attorney Docket No. :
RPS920040079US1/3177P

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 23, 2008, to revive the above-identified application.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of June 11, 2008. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(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 December 12, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $810, and the submission required by 37 CFR 1.114; (2) the petition fee of $1620; and (3) a proper statement of unintentional delay.

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

The Technology Center was without authority to act further in the case absent a grantable petition reviving this application after abandonment. Nevertheless, in view of this decision on petition, the RCE is now considered a proper filing and the actions of the Technology Center taken thereafter are hereby ratified.

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

This application is being referred to Technology Center AU 2193 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment previously submitted in accordance with 37 CFR 1.114.

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

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

COPY MAILED

JUN 23 2006

OFFICE OF PETITIONS

In re Application of :
Shanthi Pavan :
Application No. 10/872,307 :
Filed: June 17, 2004 :
Attorney Docket No. 021795-000600US :

DECISION ON REQUEST TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed by facsimile transmission on December 20, 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 CFR § 1.136(a).

The request was signed by Ko-Fang Chang, on behalf of all attorneys/agents of record who are associated with Customer No. 20350.

All the attorneys/agents associated with the Customer No. 20350 have been withdrawn. Therefore, applicant is reminded that there are no attorneys/agents of record at this time.

While the assignee attempted to intervene in the above-identified application, the substitution of attorney with change of address for correspondence filed December 27, 2005 and May 24, 2006 does not comply with the requirements of 37 CFR 3.73(b), in that, the document failed to show the chain of title from the original owner to the current assignee. Therefore, in order for the substitution of attorney with change of address for correspondence to be acceptable, compliance with 37 CFR 3.73(b) must be satisfied. It is recommended that the assignee/attorney use the form found on the USPTO.gov website (Form No. PTO/SB/96).

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

There is an outstanding Office action mailed April 17, 2006 that requires a reply from the applicant.

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

Andrea Smith
Petitions Examiner
Office of Petitions

Conferee:

cc: SHANTHI PAVAN
c/o DEPARTMENT OF ELECTRICAL ENGINEERING
INDIAN INSTITUTE OF TECHNOLOGY
MADRAS, INDIA 600 036

CHRISTIE, PARKER & HALE, LLP
P.O. BOX 7068
PASADENA, CA 91109-7068

DAN CAVANAGH
CHRISTIE, PARKER & HALE, LLP
3501 JAMBOREE ROAD
NORTH TOWER, SUITE 6000
NEWPORT BEACH, CA 92660

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HOVEY WILLIAMS LLP
Suite 400
2405 Grand Boulevard
Kansas City, MO 64108-2519

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JAN 11 2005

OFFICE OF PETITIONS

In re Application of
Daniel et al.
Application No. 10/872,310
Filed: June 18, 2004
Attorney Docket No. 34971

ON PETITION

This is a decision in response to the petition under 37 CFR 1.182 filed September 23, 2004.

The petition is **dismissed**.

The application was filed on June 18, 2004. On September 17, 2004, the Office of Initial Patent Examination mailed a "Notice of Omitted Item(s)" stating that the application had been accorded a filing date of June 18, 2004, and advising applicants that Figures 6 to 16 appeared to have been omitted.

The Notice gave petitioner three options:
(1) file a petition contending and proving the missing items were in fact filed with the original application,
(2) supply the missing items and file a petition request the filing date be the date the missing items are filed, or
(3) take no action and constructively accept the application as originally filed without the missing items.

Petitioner does not allege or prove the missing items were filed with the original application. Petitioner does request a later filing date. Therefore, petitioner has apparently chosen option (3).

Petitioner has submitted a copy of the missing items alleging they do not constitute new matter. If petitioner desires for the examiner to consider pages which were not submitted as part of the original disclosure, then petitioner may seek to submit some or all of those pages as a *formal* amendment. Any such amendment will, of course, be reviewed by the examiner for new matter. See MPEP 608.02(a).

Since the drawings cannot be entered without the filing of an amendment, the petition is dismissed.

The Office of Initial Patent Examination will be informed of the instant decision and will continue processing the application only using the application papers filed on June 18, 2004.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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GALLAGHER & KENNEDY, P. A.
2575 E. CAMELBACK RD. #1100
PHOENIX AZ 85016

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DEC 0 8 2008

OFFICE OF PETITIONS

In re Application of :
Holton Harris :
Application No. 10/872,315 : DECISION ON PETITION
Filed: June 19, 2004 :
Attorney Docket No. 10546-0013DIV :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 21, 2008, to revive the above-identified application.

The petition is **GRANTED**.

This above-identified application became abandoned for failure to timely file a reply to the non-final Office Action of April 7, 2008. The non-final Office Action set a three (3) month shortened statutory period for reply. No extension of time was obtained under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on July 8, 2008. A Notice of Abandonment was mailed on October 31, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $810.00, and (3) a proper statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See* In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $555.00 extension of time fee submitted with the petition on October 21, 2008 was subsequent to the maximum extendable period for reply, the fees will be refunded.

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

This application is being referred to Technology Center AU 1791 for appropriate action by the Examiner in the normal course of business on the reply received

Charlema Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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BAKER BOTTS L.L.P.
2001 ROSS AVENUE
SUITE 600
DALLAS, TX 75201-2980

Mail Date: 04/20/2010

Applicant	: Eva M. Sevick-Muraca	: DECISION ON REQUEST FOR
Patent Number	: 7599732	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/872,333	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/18/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1313** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/872,336	06/18/2004	Alexei A. Erchak	16459-025001

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

CONFIRMATION NO.
1620

Date Mailed: August 31, 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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: ____

DATE : 11/8/07

TO SPE OF : ART UNIT 2822

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/872336 Patent No: 7274643 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 2822 Art Unit

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Alexandria, VA 22313-1450
www.uspto.gov

HOWREY LLP
C/O IP DOCKETING DEPARTMENT
2941 FAIRVIEW PARK DRIVE, SUITE 200
FALL CHURCH, VA 22042-2924

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MAR 15 2006
OFFICE OF PETITIONS

In re Application of :
W. Edward Naugler, Jr. :
Application No. 10/872,344 : DECISION ON PETITION
Filed: June 17, 2004 : TO MAKE SPECIAL UNDER
Attorney Docket No. 34286/US : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed February 3, 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 statement from Inventor W. Edward Naugler, Jr stating that he is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 2673 for action on the merits commensurate with this decision.

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Vinay V. Joshi
1950 University Avenue, 4th Floor
East Palo Alto, CA 94303

UNITED STATES PATENT AND TRADEMARK OFFICE

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Martin MOYNIHAN
c/o ANTHONY CASTORINA
SUITE 207
2001 JEFFERSON DAVIS HIGHWAY
ARLINGTON VA 22202

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OFFICE OF PETITIONS

In re Application of	:	
Shtakelberg et al.	:	
Application No.: 10/872393	:	DECISION ON
Filing or 371(c) Date: 06/22/2004	:	PETITION
Attorney Docket Number: 4132	:	

This is a decision in response to the Petition and Declaration Under 37 CFR 1.181(a) to Withdraw Holding of Abandonment, Alternatively, Petition to revive an Unintentionally Abandoned Application Under 37 CFR 1.137(b), filed October 13, 2006. The delay in treating this petition is regretted.

This Petition under 37 CFR 1.181(a) is **dismissed**.

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

The above-identified application became abandoned for failure to timely and properly reply to the Notice of Allowance and Issue Fee Due, mailed April 26, 2006. The Notice set a non-extendable three (3) month period for reply. No reply having been received, the application became abandoned on July 27, 2006. A Notice of Abandonment was mailed September 11, 2006.

Petition under 37 CFR 1.181

Applicant files the present petition and asserts that the issue and publication fees were timely submitted on July 21, 2006. Applicant avers that the Issue Fee Transmittal Form submitted for the above-identified application was filed but included the application identifying information from Application serial number 10/239,992, because Applicant "had not yet changed all the data regarding the serial number and Inventors, etc. located at the top of the form...."

Applicable Law, Rules and MPEP

The MPEP 502 states:

> All correspondence related to a national patent application already filed with the U.S. Patent and Trademark Office must include the identification of the application number or

the serial number and the filing date assigned to the application by the Office. Any correspondence not containing the proper identification set forth in 37 CFR 1.5(a) will be returned to the sender by OIPE. Each paper should be inspected to assure that the papers being returned contain either an "Office Date" stamp or a TC date stamp. 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 transposed numbers, typographical errors, and listing the parent application number. The failure to give any application number is not a minor error. The Office often experiences difficulty in matching incoming papers with the application file to which they pertain because insufficient or erroneous information is given. This applies especially to amendments, powers of attorney, changes of address, status letters, petitions for extension of time, and other petitions.

Analysis and conclusion

A review of the Issue Fee transmittal Form reveals that it failed to include sufficient identifiers to allow this Office to quickly identify the application for which the issue fee was intended. Accordingly, the petition is dismissed.

The petition to revive under 37 CFR 1.137(b)

Applicant has filed the issue and publication fees with the present petition. Accordingly, the petition is granted.

Because the issue fee in this application has been submitted with the petition, and to avoid confusion and possible processing delays, the duplicate issue and publication fees submitted in application no. 10/239,992 will not be transferred to this application. Applicant should request a refund of the duplicate issue and publication fees paid in application no. 10/239,992 in accordance with 37 CFR 1.26 (fee paid in excess of that required).

The application is being referred to Publishing Division for processing into a patent.

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

Derek L. Woods
Attorney
Office of Petitions

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ALEXANDRIA, VA 22313-1450
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CHRISTIAN D. ABEL
ONSAGERS AS
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NORWAY N-013-0 NO NORWAY

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SEP 13 2006
OFFICE OF PETITIONS

In re Application of :
Rotnes et al. :
Application No. 10/872,395 :
Filed: June 22, 2004 : ON PETITION
Attorney Docket Number: :
P18826US00 :

This is a decision on the Petition to Withdraw Holding of Abandonment, filed May 20, 2006. The petition is properly treated under 37 CFR 1.181(a). The delay in treating this petition is regretted.

The petition is **dismissed.**

Any further petition to revive the above-identified application must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application ("Notice"), mailed August 20, 2004. The Notice set a two (2) 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 October 21, 2004. A Notice of Abandonment was mailed on May 17, 2005.

Applicant's Assertion

Applicant asserts that a timely reply to the Notice was filed on October 7, 2004. Applicant avers that the response included a typographical error in the application serial number. The petition does not identify the incorrect serial number, but

asserts that copies of the response are included with the instant petition.

Analysis

The putatively filed copies of the response have not been located in the application file. It is presumed that the putatively-filed copies include the incorrect serial number. It is possible that the putatively-filed copies were again placed in the application file of the (incorrect) application serial number identified in the response. However, because we have not received copies of the putatively-filed response, Applicant has failed to demonstrate that a response was filed in this Office.

The petition is dismissed without prejudice. Applicant should identify the incorrectly identified serial number in a Request for Reconsideration, and consider moving the coversheet to the rear of the papers re-filed so that the correctly identified oath and power of attorney will appear immediately after the correctly identified Request for Reconsideration and not become separated from the papers.

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

By mail: Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

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

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

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

Derek L. Woods
Attorney
Office of Petitions

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United States Patent and Trademark Office
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OFFICE OF PETITIONS

In re Application of	:	
Rotnes et al.	:	
Application No 10/872395	:	DECISION
Filed: 06/22/2004	:	ON PETITION
Atty Docket No.:	:	
P18826US00	:	

This is a decision on the Renewed Petition Under 37 CFR 1.181, to withdraw the holding of abandonment, filed October 18, 2006. The delay in treating this petition is regretted..

The petition is **granted.**

Background

The above-identified application became abandoned for failure to timely and properly reply to the Notice to File Missing Parts of Nonprovisional Application ("Notice"), mailed August 20, 2004. The Notice set a two (2) month period for reply. No reply having been received, this application became abandoned on October 21, 2004. A Notice of Abandonment was mailed May 17, 2005.

The May 20, 2006 petition

Applicant filed a petition to withdraw the holding of abandonment on May 20, 2006; however, Applicant failed to include any copies of the putatively filed response to the Notice. The petition was dismissed in a Decision mailed September 13, 2006.

The present renewed petition

Applicant files the present renewed petition and provides copies of the response which include a Certificate of Facsimile dated October 7, 2004, and an authorization to charge any deficient fees to Applicant's deposit account.

A review of the drawing and return-receipt postcard reveal that the serial number placed on the correspondence was 10/872,392, and not 10/872,395. A further review of the correspondence filed October 7, 2004 reveal that the correct applicant, title of the application, and attorney docket number were included on the correspondence.

In view of the above, it is apparent that the Response to Notice was filed in this Office on October 7, 2004, and due to errors on the part of Applicant and this Office, was inadvertently misplaced. Accord MPEP 502.

Accordingly, the holding of abandonment is hereby withdrawn.

A review of the Preliminary Amendment filed to correct Applicant's reference to drawing Figure 5B reveals that it was apparently sent under separate cover on November 18, 2004. As such, a one month extension of time fee has been charged to Applicant's deposit account as authorized in the petition.

The application will be referred to Publishing Division for continued processing in due course.

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

Derek L. Woods
Attorney
Office of Petitions

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CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

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OCT 28 2005

OFFICE OF PETITIONS

In re Application of :
Kojima, et al. :
Application No. 10/872,457 :
Filed: June 22, 2004 :
Attorney Docket No. 056208.55072US

ON PETITION

This is a decision on the petition under 37 CFR 1.137(a), filed September 19, 2005, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration or petition under 37 CFR 1.137(b) 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 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 above-identified application became abandoned for failure to reply to the Notice to File Missing Parts of Nonprovisional Application mailed November 22, 2004, which set a shortened period for reply of two (2) months from its mailing date. No response was received within the allowable period, and the application became abandoned on January 23, 2005. A Notice of Abandonment was mailed on August 19, 2005.

A grantable petition under 37 CFR 1.137(a)[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(1); (3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due

[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.

date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable; and (4) any terminal disclaimer required by 37 CFR 1.137(c).

The instant petition lacks item (3).

The Commissioner is responsible for determining the standard for unavoidable delay and for applying that standard.

"In the specialized field of patent law, . . . the Commissioner of Patent and Trademarks is primarily responsible for the application and enforcement of the various narrow and technical statutory and regulatory provisions. The Commissioner's interpretation of those provisions is entitled to considerable deference."[3]

"[T]he Commissioner's discretion cannot remain wholly uncontrolled, if the facts **clearly** demonstrate that the applicant's delay in prosecuting the application was unavoidable, and that the Commissioner's adverse determination lacked **any** basis in reason or common sense."[4]

"The court's review of a Commissioner's decision is 'limited, however, to a determination of whether the agency finding was arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law.'"[5]
"The scope of review under the arbitrary and capricious standard is narrow and a court is not to substitute its judgment for that of the agency."[6]

The standard

"[T]he question of whether an applicant's delay in prosecuting an application was unavoidable must be decided on a case-by-case basis, taking all of the facts and circumstances into account."[7]

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[3]Rydeen v. Quigg, 748 F.Supp. 900, 904, 16 U.S.P.Q.2d (BNA) 1876 (D.D.C. 1990), aff'd without opinion (Rule 36), 937 F.2d 623 (Fed. Cir.1991) (citing Morganroth v. Quigg, 885 F.2d 843, 848, 12 U.S.P.Q.2d (BNA) 1125 (Fed. Cir. 1989); Ethicon, Inc. v. Quigg 849 F.2d 1422, 7 U.S.P.Q.2d (BNA 1152 (Fed. Cir. 1988) ("an agency' interpretation of a statute it administers is entitled to deference"); see also Chevron U.S.A. Inc. v. Natural Resources Defence Council, Inc., 467 U.S. 837, 844, 81 L. Ed. 694, 104 S. Ct. 2778 (1984) ("if the statute is silent or ambiguous with respect to the specific issue, the question for the court is whether the agency's answer is based on a permissible construction of the statute.")

[4]Commissariat A L'Energie Atomique et al. v. Watson, 274 F.2d 594, 597, 124 U.S.P.Q. (BNA) 126 (D.C. Cir. 1960) (emphasis added).

[5]Haines v. Quigg, 673 F. Supp. 314, 316, 5 U.S.P.Q.2d (BNA) 1130 (N.D. Ind. 1987) (citing Camp v. Pitts, 411 U.S. 138, 93 S. Ct.1241, 1244 (1973) (citing 5 U.S.C. §706 (2)(A)); Beerly v. Dept. of Treasury, 768 F.2d 942, 945 (7th Cir. 1985); Smith v. Mossinghoff, 217 U.S. App. D.C. 27, 671 F.2d 533, 538 (D.C. Cir.1982)).

[6]Ray v. Lehman, 55 F.3d 606, 608, 34 U.S.P.Q2d (BNA) 1786 (Fed. Cir. 1995) (citing Motor Vehicles Mfrs. Ass'n v. State Farm Mut. Auto. Ins. Co., 463 U.S. 29, 43, 77 L.Ed.2d 443, 103 S. Ct. 2856 (1983)).

[7]Id.

The general question asked by the Office is: "Did petitioner act as a reasonable and prudent person in relation to his most important business?"[8] Nonawarness of a PTO rule will not constitute unavoidable delay.[9]

Application of the standard to the current facts and circumstances

In the instant petition, petitioner maintains that the circumstances leading to the abandonment of the application meet the aforementioned unavoidable standard and, therefore, petitioner qualifies for relief under 37 CFR 1.137(a). In support thereof, petitioner asserts that the Notice to File Missing Parts of Nonprovisional Application mailed November 22, 2004, was not received.

With regard to item (3) above, the aforementioned argument of petitioner in support of petitioner's belief that the above-cited application was unavoidably abandoned is not persuasive. The reasons petitioner's argument must necessarily fail are addressed below.

When, as in this case, petitioner is arguing that an Office communication was not received, petitioner must establish non-receipt of the Office communication in accordance with section 711.03(c) of the *Manual of Patent Examining Procedure* (MPEP) that requires the following:

> [t]he showing requires 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 practioner's statement.

Petitioner has not provided a copy of the relevant docket records; these docket records must accompanied any renewed petition filed.

Alternatively, petitioner may revive the application based on unintentional abandonment under 37 CFR 1.137(b) (enclosed). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by the required reply, the required petition fee ($1,500.00 for a large entity and $750.00 for a verified small entity), and a statement that the **entire** delay in filing the required

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[8]See In re Mattulah, 38 App. D.C. 497 (D.C. Cir. 1912).

[9]See Smith v. Mossinghoff, 671 F.2d 533, 538, 213 U.S.P.Q. (BNA) 977 (Fed. Cir. 1982) (citing Potter v. Dann, 201 U.S.P.Q. (BNA) 574 (D.D.C. 1978) for the proposition that counsel's nonawarness of PTO rules does not constitute "unavoidable" delay)). Although court decisions have only addressed the issue of lack of knowledge of an attorney, there is no reason to expect a different result due to lack of knowledge on the part of a pro se (one who prosecutes on his own) applicant. It would be inequitable for a court to determine that a client who spends his hard earned money on an attorney who happens not to know a specific rule should be held to a higher standard than a pro se applicant who makes (or is forced to make) the decision to file the application without the assistance of counsel.

reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

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

By mail: Commissioner for Patents
United States Patent and Trademark Office
Box 1450
Alexandria, VA 22313-1450

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

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

Kenya A. McLaughlin

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Enclosure: Form PTO/SB/64

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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www.uspto.gov

CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON DC 20044-4300

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FEB 13 2006

OFFICE OF PETITIONS

In re Application of :
Kojima, et al. :
Application No. 10/872,457 : ON PETITION
Filed: June 22, 2004 :
Attorney Docket No. 056208.55072US

This is a decision on the renewed petition under 37 CFR 1.137(a), filed January 30, 2006, to revive the above-identified application.

The renewed petition is **GRANTED.**

The above-identified application became abandoned for failure to reply to the Notice to File Missing Parts of Nonprovisional Application mailed November 22, 2004, which set a shortened period for reply of two (2) months from its mailing date. No response was received within the allowable period, and the application became abandoned on January 23, 2005. A Notice of Abandonment was mailed on August 19, 2005. A petition under 37 CFR 1.137(a) was filed on September 19, 2005, and dismissed by a decision mailed October 28, 2005.

Petitioner has established that the Notice to File Missing Parts of Nonprovisional Application was not received.

The declaration is noted as having been received on September 19, 2005.

Deposit account 05-1323 will be charged $130.00 for the surcharge required for the late filing of the declaration.

Deposit account 05-1323 will be refunded $1,500.00 for the fee remitted for the petition under 37 CFR 1.137(b) that was filed in the alternative.

The file is now 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) 272-3222.

Kenya A. McLaughlin

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

SPE : D. Schuberg

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 5/26/07

TO SPE OF : ART UNIT 2834

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/872,526 Patent No.: 7116033

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: _____

DARREN SCHUBERG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800

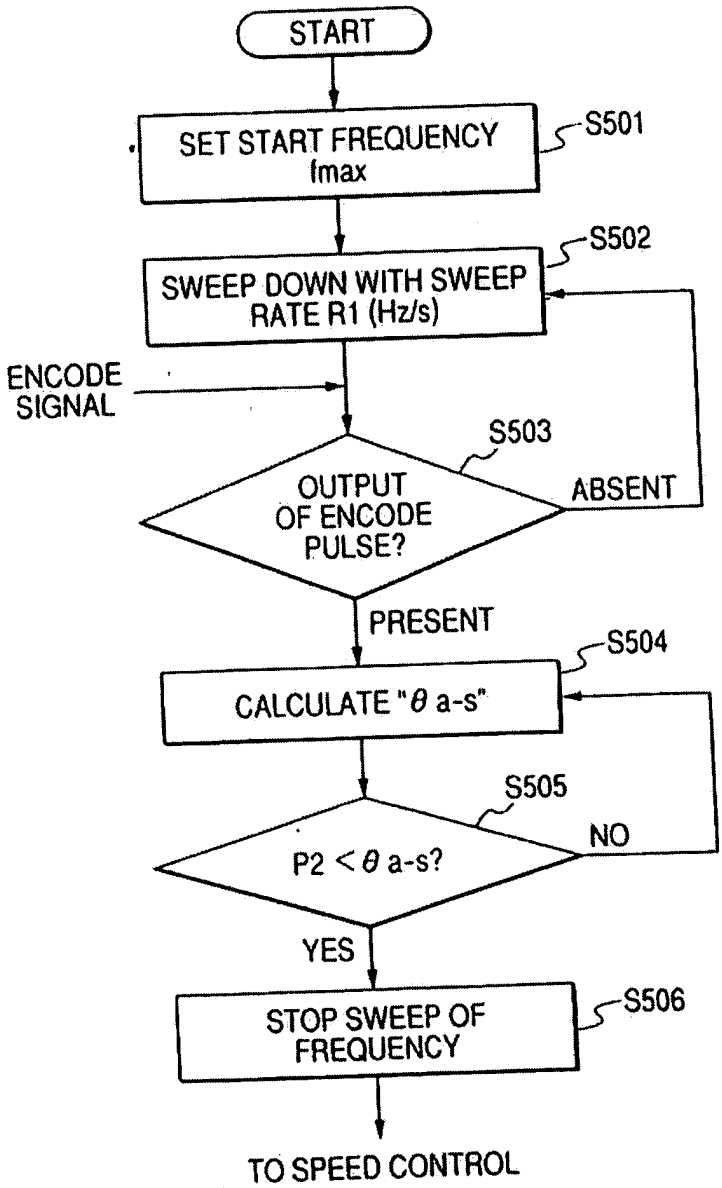
2834
Art Unit

SPE

OIPE
JUN 28 2006
PATENT & TRADEMARK OFFICE

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza, New York, NY 10112-3800
Inventor: HIROYUKI SEKI ET AL.
For: CONTROL APPARATUS AND PROGRAM
Docket No.: 03500.100073
Application No.: 10/872,526

FIG. 5



OK to Enter
6/15/07

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FINNEGAN HENDERSON FARABOW GARRETT & DUNNER
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

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MAY 19 2006

OFFICE OF PETITIONS

In re Application of :
Chung-Ju Chang et al :
Application No. 10/872,572 : ON PETITION
Filed: June 22, 2004 :
Attorney Docket No. 06720.0121-00 :

This is a decision on the petition under 37 CFR 1.182, filed January 31, 2006, 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. Jia-Ching Shen
2. Yih-Shen Chen
3. Chung-Ju
4. Yung-Han Chen
5. Yi-Ting Wang
6. Meng-Chun Chang

A corrected filing receipt with the desired order of inventorship is enclosed.

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

This application is being referred to Technology Center AU 2617.

Wan Laymon
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
10/872,572	06/22/2004	2617	1600	06720.0121-00	9	30	3

CONFIRMATION NO. 3640

CORRECTED FILING RECEIPT

OC000000018861611

22852
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

Date Mailed: 05/18/2006

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

Applicant(s)

Jia-Ching Shen, Hsinchu, TAIWAN;
Yih-Shen Chen, Hsinchu, TAIWAN;
Chung-Ju Chang, Hsinchu, TAIWAN;
Yung-Han Chen, Hsinchu, TAIWAN;
Yi-Ting Wang, Hsinchu, TAIWAN;
Meng-Chun Chang, Hsinchu, TAIWAN;

Assignment For Published Patent Application

Industrial Technology Research Institute

Power of Attorney: The patent practitioners associated with Customer Number **22852**.

Domestic Priority data as claimed by applicant

Foreign Applications **Acceptable Request to Retrieve Priority Application Received?**

If Required, Foreign Filing License Granted: 08/07/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/872,572

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Method and system for providing fast handoff in a wlan-like communication system using active neighboring sets

Preliminary Class

455

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING

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

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

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

NOT GRANTED

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

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FARSHAD JASON FARHADIAN
CENTURY IP LAW GROUP
P.O. BOX 7333
NEWPORT BEACH CA 92658-7333

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JAN 22 2008

OFFICE OF PETITIONS

In re Application of :
Yavor Eliad Wardimon :
Application No. 10/872576 : ON PETITION
Filing Date: 06/17/2004 :
Attorney Docket Number: :
1005-17-01 USP :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 27, 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 December 15, 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 March 16, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee, and the submission required by 37 CFR 1.114, filed July 19, 2007; (2) the petition fee; and (3) a proper statement of unintentional delay.

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

This application is being referred to Technology Center AU 2617 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/872,577	06/21/2004	Milica Radisic	0492611-0570/MIT-10091	4023

24280 7590 04/23/2010

CHOATE, HALL & STEWART LLP
TWO INTERNATIONAL PLACE
BOSTON, MA 02110

EXAMINER	
FERNANDEZ, SUSAN EMILY	
ART UNIT	**PAPER NUMBER**
1651	

NOTIFICATION DATE	DELIVERY MODE
04/23/2010	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):

patentdocket@choate.com

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Alexandria, VA 22313-1450
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APR 2 3 2010

CHOATE, HALL & STEWART LLP
TWO INTERNATIONAL PLACE
BOSTON MA 02110

In re Application of:
Radisic et al.
Serial No.: 10/872,577
Filed: June 24, 2004
Attorney Docket No.: **0492611-0570/MIT-10091**

: PETITION DECISION

This is in response to the Petition filed by applicants under 37 CFR § 1.181 on April 2, 2010, requesting that the finality of the Office action of October 8, 2009 be withdrawn and that a new Office action be issued.

BACKGROUND

Most recently, on October 8, 2009, the examiner mailed a final Office action.

On April 2, 2010, applicants filed a Petition under 37 CFR § 1.181 requesting that the finality of the Office action of October 8, 2009 be withdrawn.

Specifically applicants point out "During an applicant-initiated telephonic interview of December 4, 2009 ("the interview") between the Examiner and the Applicants' representatives, Applicants' representatives explained why the finality of the Office Action was improper. Based on the reasons provided by Applicants' representatives, the Examiner agreed during the interview to set aside the final Office Action and issue a new and non-final Office Action. Applicants' representatives called the Examiner multiple times subsequent to the interview (specifically, on January *25,* 2010, on February 24, 2010, and on March 23, 2010) to confirm that the Examiner was still planning on setting aside the final Office Action and issue a new non-final Office Action."

DISCUSSION

The petition and the file history have been carefully considered.

Applicants' points were well taken and the examiner has mailed a new non-final rejection on April 20, 2010, thus rendering this Petition moot.

DECISION

The petition is **DISMISSED AS MOOT.**

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

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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JOHN T. WINBURN
100 BOSCH BOULEVARD
NEW BERN NC 28562

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AUG 17 2006

OFFICE OF PETITIONS

In re Application of	:	
Michael ROSENBAUER et al.	:	DECISION ON PETITIONS
Application No. 10/872,599	:	UNDER 37 CFR 1.183,
Filed: June 21, 2004	:	UNDER 37 CFR 1.78(a)(3) AND
Attorney Docket No. 2001P13022WOUS	:	UNDER 37 CFR 1.55(c)

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) and 37 CFR 1.55(c), 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/EP02/12833, filed November 15, 2002, and under 35 U.S.C. § 119(a)-(d) for the benefit of a prior-filed foreign application, as set forth in the accompanying Application Data Sheet.

The petition under 37 CFR 1.183 is **DISMISSED** as moot in view of the request filed April 28, 2006, withdrawing the petition to waive the surcharge fee requirement of 37 CFR 1.78(a)(3). No fee has been assessed to petitioner's deposit account for the petition under 37 CFR 1.183.

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

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

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

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

The amendment filed April 28, 2006 claims priority to PCT Application No. PCT/EP02/12833. However, the examiner has indicated that the proposed amendment would not be entered. Therefore, since the amendment does not *prima facie* place the application in condition for allowance, petitioner must now submit a request for continued examination (RCE) under the provisions of 37 CFR 1.114, or file a continuing application pursuant to the provisions of 37 CFR 1.53(b).

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

A petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim for priority requires:

(1) The nonprovisional application claiming the benefit of an earlier filing date must be filed on or after November 29, 2000;
(2) the claim submitted with the petition must identify the prior foreign application for which priority is claimed, as well as any foreign application for the same subject matter and having a filing date before that of the application for which priority is claimed, by the application number, country, and the filing date, and be included either in an oath or declaration (37 CFR 1.63(c)(2)) or in an Application Data Sheet (37 CFR 1.76(b)(6);
(3) the surcharge as set forth in 37 CFR 1.17(t);
(4) a statement that the entire delay between the date the claim was due under 37 CFR 1.55(a)(1) and the date the claim was filed was unintentional. (The Commissioner may require additional information where there is a question whether the delay was unintentional.); and
(5) the above-identified nonprovisional application must be filed within 12 months of the filing date of the foreign application.

The instant petition does not comply with item (2).

The amendment filed April 28, 2006 corrects the filing date in the priority claim to DE 101 62 505.7. However, the examiner has indicated that the proposed amendment would not be entered. Therefore, since the amendment does not *prima facie* place the application in condition for allowance, petitioner must now submit a request for continued examination (RCE) under the provisions of 37 CFR 1.114, or file a continuing application pursuant to the provisions of 37 CFR 1.53(b).

Any request for reconsideration of this decision must be accompanied by a cover letter entitled "Renewed Petition under 37 CFR 1.78(a)(3)" and must include the appropriate reply to continue prosecution of the instant application.

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.

David Bucci
Petitions Examiner
Office of Petitions

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INTELLECTUAL PROPERTY DEPARTMENT
100 BOSCH BOULEVARD
NEW BERN NC 28562

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OCT 0 3 2006

OFFICE OF PETITIONS

In re Application of :
Michael ROSENBAUER et al. : DECISION ON PETITIONS
Application No. 10/872,599 : UNDER 37 CFR 1.78(a)(3) AND
Filed: June 22, 2004 : UNDER 37 CFR 1.55(c)
Attorney Docket No. 2001P13022WOUS :

This is a decision on the renewed petitions under 37 CFR 1.78(a)(3) and 37 CFR 1.55(c), filed September 11, 2006, to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 365(c) for the benefit of prior-filed nonprovisional and PCT applications, and under 35 U.S.C. § 119(a)-(d) for the benefit of a prior-filed foreign application, as set forth in the accompanying Application Data Sheet.

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

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

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

All requirements being met, the petition to accept an unintentionally delayed claim for priority under 37 CFR 1.78(a)(3) is **GRANTED.**

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

A petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim for priority requires:

(1) The nonprovisional application claiming the benefit of an earlier filing date must be filed on or after November 29, 2000;

(2) the claim submitted with the petition must identify the prior foreign application for which priority is claimed, as well as any foreign application for the same subject matter and having a filing date before that of the application for which priority is claimed, by the application number, country, and the filing date, and be included either in an oath or declaration (37 CFR 1.63(c)(2)) or in an Application Data Sheet (37 CFR 1.76(b)(6);

(3) the surcharge as set forth in 37 CFR 1.17(t);

(4) a statement that the entire delay between the date the claim was due under 37 CFR 1.55(a)(1) and the date the claim was filed was unintentional. (The Commissioner may require additional information where there is a question whether the delay was unintentional.); and

(5) the above-identified nonprovisional application must be filed within 12 months of the filing date of the foreign application.

All requirements being met, the petition to accept an unintentionally delayed claim for priority under 37 CFR 1.55(c) is **GRANTED.**

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(3) and 37 CFR 1.55(c) 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 365(c) and 37 CFR 1.78(a)(1) and (a)(2) and 35 § U.S.C. 119(a)-(d) and 37 CFR 1.55(a)(1) 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 applications, and the foreign priority claim, 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 to Technology Center Art Unit 1746 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. §§ 120, 365(c) and 35 U.S.C. § 119(a)-(d) of the prior-filed applications.

David Bucci
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, Virginia 22313-1450
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/872,599	06/21/2004	1746	900	2001P13022WOUS	1	7	1

CONFIRMATION NO. 3712

CORRECTED FILING RECEIPT

OC000000020685579

46726
BSH HOME APPLIANCES CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
100 BOSCH BOULEVARD
NEW BERN, NC 28562

Date Mailed: 10/03/2006

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)

Michael Rosenbauer, Reimlingen, GERMANY;
Bernd Schessl, Dillingen, GERMANY;
Helmut Jerg, Giengen, GERMANY;

Assignment For Published Patent Application

BSH Bosch und Siemens Hausgerate GmbH, Munich, GERMANY

Power of Attorney: The patent practitioners associated with Customer Number **000046726**.

Domestic Priority data as claimed by applicant

This application is a CON of PCT/EP02/12833 11/15/2002

Foreign Applications

GERMANY 101 62 505.7 12/19/2001

If Required, Foreign Filing License Granted: 08/08/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/872,599

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Device for controlling the washing process for items to be washed in a dishwasher

Preliminary Class

134

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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

GRANTED

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

under 37 CFR 5.13 or 5.14.

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

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

NOT GRANTED

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

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ATTENTION: INDUSTRIAL PROPERTY DEPT.
70 MEISTER AVENUE
SOMERVILLE, NJ 08876

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FEB 05 2007

OFFICE OF PETITIONS

In re Application of :
Kanda : DECISION ON PETITION
Application No. 10/872,603 :
Filed: June 21, 2004 :
Docket No.: 2000JP311 :

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed December 12, 2006

The petition is hereby **DISMISSED**.

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

This application became abandoned for failure to timely submit a proper reply to the Notice of Allowance (Notice) mailed August 4, 2006. Notice of Abandonment was mailed December 1, 2006.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by: (1) the required reply to the outstanding Office action or notice, unless previously filed; (2) the petition fee as set forth in 37 C.F.R. § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional; and (4)any terminal disclaimer (and fee set forth in 37 C.F.R. § 1.20(d)) required pursuant to 37 C.F.R. § 1.137(c).

The instant petition fails to comply with requirements (1) and (2) set forth above. While the Office has been authorized to charge the required fees to petitioner's deposit account, Office finance records reveal that Deposit Account No. 50-3309 lacks sufficient funds for the required fees due.

Any renewed petition must be accompanied by the required fees.

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

By mail:	**Mail Stop Petition** Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
By facsimile:	(571) 273-8300
By hand delivery:	U.S. Patent and Trademark Office Customer Window, **Mail Stop Petition** Randolph Building 401 Dulany Street Alexandria, VA 22314

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

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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AZ ELECTRONIC MATERIALS USA CORP.
ATTENTION: INDUSTRIAL PROPERTY DEPT.
70 MEISTER AVENUE
SOMERVILLE, NJ 08876

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APR 30 2007

OFFICE OF PETITIONS

In re Application of	:	
Kanda	:	DECISION ON PETITION
Application No. 10/872,603	:	
Filed: June 21, 2004	:	
Docket No.: 2000JP311	:	

This is a decision on the renewed petition under 37 C.F.R. § 1.137(b), filed February 16, 2007.

The petition is hereby **GRANTED**.

This application became abandoned for failure to timely submit a proper reply to the Notice of Allowance (Notice) mailed August 4, 2006. Notice of Abandonment was mailed December 1, 2006.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by: (1) the required reply to the outstanding Office action or notice, unless previously filed; (2) the petition fee as set forth in 37 C.F.R. § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional; and (4)any terminal disclaimer (and fee set forth in 37 C.F.R. § 1.20(d)) required pursuant to 37 C.F.R. § 1.137(c).

The instant petition has been reviewed and found in compliance with the provisions of 37 C.F.R. § 1.137(b). Accordingly, the failure to timely submit a proper reply to the 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

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JONES DAY
222 EAST 41ST ST
NEW YORK, NY 10017

Mail Date: 04/21/2010

Applicant	: Eric J. Stave	: DECISION ON REQUEST FOR
Patent Number	: 7574634	: RECALCULATION of PATENT
Issue Date	: 08/11/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/872,608	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/21/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1310** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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Michael B. McNeil
Liell & McNeil Attorneys PC
P.O. Box 2417
Bloomington, IN 47402

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JUN 0 6 2005

OFFICE OF PETITIONS

In re Application of :
Nava and Coe :
Application No. 10/872,609 : DECISION GRANTING PETITION
Filed: June 21, 2004 :
Attorney Docket No. 03-413 :

This is a decision on the petition filed April 29, 2005, under 37 CFR 1.10(d) requesting that the above-cited application be accorded a filing date of June 21, 2004.

Petitioner alleges that the application was deposited with the United States Postal Service, Express Mail Service on June 21, 2004, but that the United Postal Service incorrectly entered a "date-in" of June 22, 2004, on the Express Mail receipt. The evidence is convincing that the application papers were deposited with the United States Postal Service Express Mail Service on June 21, 2004.

In view of the above, the petition is granted. The new filing date for the above-cited application is June 21, 2004.

The application file is being returned to the Office of Initial Patent Examination for further processing with a filing date of June 21, 2004, and for issuance of a corrected filing receipt.

Any inquiries related to this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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 CO MMERCE
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

Appl. No.: 10/872,609
PATENT NO.: 7,165,946
DATED : January 23, 2007
INVENTOR(S) : MICHAEL A. COE, ET AL.

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

Please publish the attached Table as page 3 of the drawings, as originally disclosed.

MAILING ADDRESS OF SENDER:

Caterpillar Inc.
100 NE Adams St.
Peoria, IL 61629-6490

PATENT NO. 7,165,946

No. of additional copies
⇨1

This collection of information is required by 37 CFR 1.322, 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.

OIPE
FEB 21 2007
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	30a	30b	Commercial 1	Commercial 2
Composition	CoNiCrAlY-PE/h-BN	CoNiCrAlY-PE/h-BN	CoNiCrAlY-PE/h-BN	CoNiCrAlY
% PE/h-BN by volume	15 - 25%	25 - 35%	70 - 80%	0%
Bond Strength (psi)	5000 - 6000	5000 - 6000	2000	> 6000
Hardness (HRG)	50	40	< 0	75
Rub-rig test Change in blade Weight (%)				
at 65° F	0.25g	0.15g (0.4%)	–	–
at 1000° F	–	(0.2%)	0.11g (0.3%)	–
at 1350° F	0.11g	–	–	–
at 1500° F	0.06g	–	0.088g (0.3%)	–
Rub-rig test Temp. spike (% of test temperature)				
at 65° F	23%	42%	–	–
at 1000° F	–	12%	35%	–
at 1350° F	19%	–	–	–
at 1500° F	17%	–	7%	–
Oxidation test Estimated Predicted Change in weight After 30,000 h at 1350° F (mg/cm²)	–	131	–	105
Oxidation test Estimated Predicted Change in weight After 30,000 h at 1500° F (mg/cm²)	–	256	Failed by cracking	109
Oxidation test Estimated Predicted Change in weight After 1500 h at 950° F (mg/cm²)	–	4.5	12.6	–

Table 1

FEB 26 2007

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: ____

DATE : 3-20-07

TO SPE OF : ART UNIT ~~3745~~ 2124

SUBJECT : Request for Certificate of Correction on Patent No.: 7165946 pa2 (10/872609

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 3-915
Palm location 7580 - Tel. No. 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Should Table 1 be page 3 of the drawings?
If so, should Fig. 3 & 4 still be enter two.
Please response A/S/A/P

Thank You For Your Assistance

Thanks.

E. Flores
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

Art Unit

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

Appl. No. 10/872,609

PATENT NO.: 7,165,946
DATED : January 23, 2007
INVENTOR(S) : MICHAEL A. COE, ET AL.

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

Please publish the attached Table as page 3 of the drawings, as originally disclosed.

MAILING ADDRESS OF SENDER:

Caterpillar Inc.
100 NE Adams St.
Peoria, IL 61629-6490

PATENT NO. 7,165,946

No. of additional copies
⇨1

This collection of information is required by 37 CFR 1.322, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: ____

DATE : 3-20-07

TO SPE OF : ART UNIT ~~3745~~ ~~2184~~ 3745

SUBJECT : Request for Certificate of Correction on Patent No.: 7165946 p2 (10/872609

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 3-915
Palm location 7580 - Tel. No. 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Should Table 1 be page 3 of the drawings?
If so, should Fig. 3 & 4 still be entered too.
Thank You For Your Assistance
Please response A/S/A/P Thanks.

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:

Table 1 should be page 3 of the Drawings. Since there is no Fig 3 & 4 they are not entered DTW

Ed Tso — SPE

3745 — Art Unit

PTOL-306 (REV. 7/03) U.S. DEPARTMENT OF COMMERCE Patent and Trademark

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Boston Scientific (CRM)
c/o Frommer Lawrence & Haug LLP
745 Fifth Avenue
New York, NY 10151

Mail Date: 04/21/2010

Applicant	: David J. Lentz	: DECISION ON REQUEST FOR
Patent Number	: 7637903	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/872,612	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/21/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **530** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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MORRISTOWN NJ 07962

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FEB 0 4 2009

OFFICE OF PETITIONS

In re Application of :
Guy B. **WOODLE, et al.** :
Application No. 10/872,615 : DECISION ON PETITION
Filed: June 21, 2004 : UNDER 37 CFR 1.137(b)
Attorney Docket No. **108323** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 12, 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 November 9, 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). Accordingly, the date of abandonment of this application is February 10, 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 $790, and the submission required by 37 CFR 1.114; (2) the petition fee of $1500; 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 1764 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.

Brian W. Brown
Petitions Examiner
Office of Petitions

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MORRISTOWN, NJ 07962

Mail Date: 04/20/2010

Applicant	: Guy B. Woodle	: DECISION ON REQUEST FOR
Patent Number	: 7622622	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/872,615	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/21/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **151** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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MICHAEL C. STUART
COHEN, PONTANI, LIEBERMAN & PAVANE
SUITE 1210
551 FIFTH AVENUE
NEW YORK NY 10176

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MAR 2 6 2010

OFFICE OF PETITIONS

In re Application of :
Lehtikangas, et al. : LETTER REGARDING PTA
Application No. 10/872,644 :
Filed: June 21, 2004 :
Atty. Dkt. No.: 5420-9 :

This letter is in response to the LETTER REGARDING PATENT TERM ADJUSTMENT" filed January 7, 2010. The Office thanks patentees for their good faith and candor in bringing this to our attention. No fee is due in connection with this matter.

The request is **DISMISSED**.

Applicants indicate that the determination of Patent Term Adjustment (PTA) of 177 days appears to contain two errors. Applicants indicate that the adjustment should reflect a reduction of more than 25 days in connection with the Notice of Appeal filed September 25, 2006 pursuant to 37 CFR 1.703(b)(4). Applicants further advise that the adjustment of 104 days in connection with the final rejection mailed June 27, 2008 should be 133 days rather than 104 days, as indicated in the determination of patent term adjustment.

The calculation of patent term adjustment has been reviewed and no error has been detected.

Applicants indicate that the patent term is subject to reconsideration pursuant to 37 CFR 1.703(b)(4).

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to pursuant to 37 CFR 1.703(b). The computer will not undertake the 37 CFR 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office can not make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent based on the initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature.

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

As to the second error referenced by applicants, applicants argue that the application is entitled to additional adjustment, 133 days rather than 104 days in connection with the mailing of the final rejection on June 27, 2008. As applicants are requesting additional patent term adjustment, submission of the required fee set forth at 37 CFR 1.18(e) is a prerequisite prior to reconsideration of the patent term adjustment. No such fee has been provided.

Applicants are reminded that any request for reconsideration of patent term adjustment concerning issues that could have been raised under 37 CFR 1.705(b) would be deemed untimely if submitted under 37 CFR 1.705(d).

Accordingly, the patent term adjustment remains 177 days, as set forth in the Determination of Patent Term Adjustment mailed December 17, 2009.

If applicants remain of the belief that an error in applicants' favor exists in the calculation of patent term adjustment, applicants are requested to seek reconsideration of the instant letter, setting forth with specificity the nature of the alleged miscalculation in the adjustment. To avoid further delay in the issuance of the patent, applicants may wait until after the patent issues to seek reconsideration.

If after issuance of the patent, applicants believe that the patent is entitled to additional adjustment pursuant to 37 CFR 1.703(b), the proper course of action is to timely file an application for patent term adjustment, along with the required fee set forth at 37 CFR 1.18(e).

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.

---

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

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

This application is being forwarded to the Division of Data Management for issuance of a patent.

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

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

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LEON R. YANKWICH
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201 BROADWAY
CAMBRIDGE MA 02139

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OFFICE OF PETITIONS

In re Application of
Salassidis et al.
Application No. 10/872,645
Deposited: June 21, 2004
Attorney Docket No. AXM-014.1 US

: DECISION GRANTING
: PETITION

This is a decision in response to the petition under 37 CFR §§1.53(e) and 1.181, filed October 13, 2004, requesting in effect, that a "Notice of Incomplete Nonprovisional Application" ("Notice") mailed August 19, 2004, be withdrawn.

The application was deposited on June 21, 2004. However, on August 19, 2004, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Incomplete Nonprovisional Application" advising applicants that the application papers had **not** been accorded a filing date because the application was deposited without drawings.

Petitioner acknowledges that the drawings were inadvertently omitted from the application as submitted on June 21, 2004. Petitioner states drawings are not necessary for the understanding of the subject matter sought to be patented.

As stated in MPEP 601.01(f), it is the practice of the PTO to treat a nonprovisional application that contains at least some disclosure of a process or method as an application for which a drawing is not necessary for an understanding of the invention under 35 USC 113 (first sentence). The same practice has been followed in composition applications.

Moreover, 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 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.

A review of the official file reveals that the application includes at least one method claim. In view of the above, the "Notice" mailed August 19, 2004 was mailed in error and is hereby **withdrawn**.

Accordingly, the petition is **Granted**. A petition fee is not required and none has been charged.

The Office acknowledges receipt of the preliminary amendment and the declaration.

The application will be processed with only the papers present on filing and is hereby accorded a filing date of **June 21, 2004**, without drawings as part of the original disclosure

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

Charlema R. Grant
Petition Attorney
Office of Petitions

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

In re Application of :
Goldman, Mitchel P., et al
Appl. No.: 10/872,646
Filed: Jun. 21, 2004
Attorney Docket Number: VNUS.502CPCP2CC
For: METHOD AND APPARATUS FOR APPLYING ENERGY TO BIOLOGICAL TISSUE INCLUDING THE USE OF TUMESCENT TISSUE COMPRESSION

: DECISION ON PETITION
: UNDER 37 CFR 1.59

This is a decision on the petition under 37 CFR 1.59(b), filed Jan. 8, 2008 to expunge information from the above identified application.

The decision on the petition will be held in abeyance until allowance of the application or mailing of an *Ex parte Quayle* action or a Notice of Abandonment, at which time the petition will be decided.

Petitioner requests that the information submitted in the Information Disclosure Statement under the heading of Non Patent Literature Documents, (total of nine documents) filed Jan. 8, 2008 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR 1.17(g) has been charged.

The decision on the petition is held in abeyance because prosecution on the merits is not closed. 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 decision on the petition to expunge must be held in abeyance at this time.

During prosecution on the merits, the examiner will determine whether or not the identified document is considered to be "material." If the information is not considered by the examiner to be material, the information will be removed from the official file. The information has been closed from public view for the remainder of prosecution.

Questions concerning this decision should be directed to Special Programs Examiner Henry C. Yuen at 571-272-4856.

Decision held in ABEYANCE.

Karen M. Young

for Frederick R. Schmidt, Director
Technology Center 3700

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IRVINE CA 92614

In re Application of :
Goldman, Mitchel P. et al :
Appl. No.: 10/872,646 :
Attorney's Docket No. VNUS.502CPCP2CC :
Filed: Jun. 21, 2004 :
For: METHOD AND APPARATUS FOR APPLYING ENERGY TO BIOLOGICAL TISSUE INCLUDING THE USE OF TUMESCENT TISSUE COMPRESSION :

DECISION ON PETITION UNDER 37 CFR 1.59

This is a decision on the petition under 37 CFR 1.59(b), filed Jan. 8, 2008 to expunge information from the above identified application.

The petition is granted.

Petitioner requests that a document entitled Information Disclosure Statement, filed Jan. 8, 2008, be expunged from the record. Petitioner states that either (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR 1.17(g) has been paid.

The information in question has been determined by the undersigned to not be material to the examination and patentability of the instant application. Applicant is required to retain the expunged material(s) for the life of any patent that issues on the above-identified application.

The expunged material has been removed from the official file. It is contained in a non-public Artifact folder associated with the file and will not be returned to applicant.

Any questions regarding this petition decision should be directed to Henry Yuen, Technology Center, Special Programs Examiner at 571 – 272-4568.

Petition Granted.

for Frederick R. Schmidt, Director
Technology Center 3700

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JOHN T. WINBURN
100 BOSCH BOULEVARD
NEW BERN NC 28562

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JUN 21 2006

OFFICE OF PETITIONS

In re Application of	:	
Rudiger EIERMANN	:	DECISION ON PETITIONS
Application No. 10/872,662	:	UNDER 37 CFR 1.183 AND
Filed: June 21, 2004	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 2001P13021WOUS	:	

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/EP02/12779, filed November 14, 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 1746 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

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SUITE 300
GARDEN CITY NY 11530

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OFFICE OF PETITIONS

In re Application of :
Rjaibi :
Application No. 10/872,679 : ON PETITION
Filed: June 21, 2004 :
Attorney Docket No. CA920020066US1 :
For: COMPUTING FREQUENT VALUE STATISTICS IN A PARTITIONED RELATIONAL DATABASE

This is a decision on the petition, filed July 2, 2007, under 37 CFR 1.137(b) to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely submit a reply within three (3) months of the mailing of the November 20, 2006 non-final Office action. No response being received and no extensions of time being obtained under the provisions of 37 CFR 1.136(a), this application became abandoned on February 21, 2007.

Applicant has submitted an amendment in reply to the November 20, 2006 non-final Office action, a proper statement of the unintentional nature of the delay in responding to the November 20, 2006 non-final Office action, and the $1,500.00 petition fee.

All of the requirements under 37 CFR 1.137(b) being met, the petition is granted.

After the mailing of this decision, the application will be returned to Technology Center AU 2166 for consideration of the amendment filed on July 2, 2007.

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

In re Application of	:	
Qun Lu et al.	:	
Application No. 10/872,692	:	DECISION ON PETITION
Filed: June 21, 2004	:	
Attorney Docket No. 5218-109	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 16, 2007, to revive the above-identified application.

The petition is **GRANTED**.

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

This application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of August 9, 2006. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination (RCE) and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the date of abandonment of this application is November 10, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Notice of Appeal; (2) the petition fee of $750; and (3) a proper statement of unintentional delay.

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

This application is being referred to Technology Center AU 1642 to await the filing of an appeal brief or for such other appropriate reply as may be submitted to continue prosecution of the application.

Liana Walsh
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 01-09-089

TO SPE OF : ART UNIT 1642

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/872692 Patent No.: 7445906

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

Certificates of Correction Branch
703-308-9390 ext. 123

Thank You For Your Assistance

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

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

Comments: _____

SPE AU 1643

LARRY R. HELMS, PH.D.
SUPERVISORY PATENT EXAMINER

SPE **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

JAN 24 2007

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JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of	:
Andrew D. Brede	:
Serial No.: 10/872,695	: PETITION DECISION
Filed: June 24, 2004	:
Attorney Docket No.: 2085-106	

This is in response to the petition under 37 CFR § 1.59(b), filed December 14, 2006, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information Under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on August 30, 2006, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an unexamined application. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Applicant may resubmit the petition subsequent to a Notice of Allowability or other action which closes prosecution being mailed in the application. No additional petition fee will be required at that time.

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

George C. Elliott

George Elliott
Director, Technology Center 1600

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/872,695	06/21/2004	Andrew Douglas Brede	2085-106	4172

32905 7590 04/18/2008
JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK, CO 80108

EXAMINER	
PARA, ANNETTE H	

ART UNIT	PAPER NUMBER
1661	

MAIL DATE	DELIVERY MODE
04/18/2008	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

APR 1 8 2008

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

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of :
Andrew D. Brede
Serial No.: 10/872,695
Filed: June 21, 2004
Attorney Docket No.: 2085-106

: PETITION DECISION

This is in response to the renewed petition under 37 CFR § 1.59(b), filed April 14, 2008, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the Reply to Request for Information Under 37 CFR 1.105, and all attachments thereto, submitted to the Patent Office on August 30, 2007 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entries for those documents have been closed and as such the documents are no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper. Also, as stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. As this application has been allowed, the information is being returned to applicant.

Therefore, applicant's petition is GRANTED.

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

Marianne C. Seidel
Quality Assurance Specialist/Program Manager
Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

FEB 15 2007

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JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of	:
Andrew D. Brede	:
Serial No.: 10/872,697	: PETITION DECISION
Filed: June 21, 2004	:
Attorney Docket No.: 2085-107	

This is in response to the petition under 37 CFR § 1.59(b), filed December 14, 2006 to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information Under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on August 30, 2006, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which currently has therein a non-final action. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Applicant may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

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

George C. Elliott

George Elliott
Director, Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/872,697	06/21/2004	Andrew Douglas Brede	2085-107	4173

32905 7590 04/18/2008
JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK, CO 80108

EXAMINER	
PARA, ANNETTE H	

ART UNIT	PAPER NUMBER
1661	

MAIL DATE	DELIVERY MODE
04/18/2008	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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APR 18 2008

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of :
Andrew D. Brede
Serial No.: 10/872,697
Filed: June 21, 2004
Attorney Docket No.: 2085-107

: PETITION DECISION

This is in response to the renewed petition under 37 CFR § 1.59(b), filed April 14, 2008, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the Reply to Request for Information Under 37 CFR 1.105, and all attachments thereto, submitted to the Patent Office on August 30, 2007 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entries for those documents have been closed and as such the documents are no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper. Also, as stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. As this application has been allowed, the information is being returned to applicant.

Therefore, applicant's petition is GRANTED.

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

Marianne C. Seidel
Quality Assurance Specialist/Program Manager
Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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Kenneth P. Glynn, Esquire
Glynn & Associates, P.C.
24 Mine Street
Flemington NJ 08822

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OCT 25 2004

OFFICE OF PETITIONS

In re Application of :
Yeh and Tseng :
Application No. 10/872,701 : ON PETITION
Filed: June 21, 2004 :
Attorney Docket No. IPC-114A :

This is a notice regarding the paper filed September 20, 2040, which is being treated as a request for acceptance of a fee deficiency submission under 37 CFR 1.28(c).

The transmittal form indicated the applicant claimed small entity status. However, the large entity fee was submitted and applicant is a large entity. The Office refunded $385 based on the belief applicant was a small entity. Applicant has now resubmitted the $385.

The submission is **accepted.**

The change of status to large entity has been entered and made of record.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

Attachment: Copy of transmittal form

UNITED STATES PATENT AND TRADEMARK OFFICE

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DEC 20 2006

OFFICE OF PETITIONS

SNELL & WILMER LLP
600 ANTON BOULEVARD
SUITE 1400
COSTA MESA CA 92626

In re Application of :
George H. Heaven et al :
Application No. 10/872,743 : ON PETITION
Filed: June 21, 2004 :
Attorney Docket No. 44243-0400 :

This is a decision on the petition under 37 CFR 1.182, filed September 1, 2006, to change the order of the names of the inventors.

The petition is **Granted**.

A corrected Filing Receipt with the desired order of the names of the inventors accompanies this decision on petition.

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

This matter is being referred to Technology Center AU 3644.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

ATTACHMENT: CORRECTED FILING RECEIPT

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/872,743	06/21/2004	3644	507	44243-0400	12	26	4

CONFIRMATION NO. 4203
CORRECTED FILING RECEIPT
OC000000021674653
OC000000021674653

21611
SNELL & WILMER LLP
600 ANTON BOULEVARD
SUITE 1400
COSTA MESA, CA 92626

Date Mailed: 12/20/2006

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

Applicant(s)

George H. Heaven JR., North Las Vegas, NV;
Michael K. Walden, North Las Vegas, NV;

Power of Attorney: The patent practitioners associated with Customer Number **21611**.

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 12/19/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/872,743

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Mass transfer system for stabilizing an airship and other vehicles subject to pitch and roll moments

Preliminary Class

244

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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

GRANTED

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

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

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

NOT GRANTED

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

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PIONEER HI-BRED INTERNATIONAL INC.
7250NW 62ND AVENUE
PO BOX 552
JOHNSTON, IA 50131-0552

Mail Date: 04/21/2010

Applicant	: Ranjini Chatterjee	: DECISION ON REQUEST FOR
Patent Number	: 7611897	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/872,750	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/21/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1531** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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OCT 0 2 2006

OFFICE OF PETITIONS

IBM CORPORATION, T.J. WATSON RESEARCH CENTER
P.O. BOX 218
YORKTOWN HEIGHTS, NY 10598

In re Application of :
Rolf Clauberg :
Application No.: 10/872,758 : ON PETITION
Filed: June 21, 2004 :
Attorney Docket No. CH920010056US1 :

This is in response to the petition under 37 CFR 1.137(b) filed April 14, 2006.

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

A "Notice to File Missing Parts of Nonprovisional Application" (the "Notice") was mailed by the Office on August 4, 2004, allowing a shortened period of reply of two-months from its mailing date. Extensions of time set for reply were available pursuant to 37 CFR 1.136(a). The Notice required payment of the filing fee, and surcharge, and an executed oath or declaration. A response was not received within the allowable period, and the application became abandoned on October 5, 2004. A Notice of Abandonment was mailed on April 22, 2005.

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

The required fees were received on April 14, 2006.

This application is being 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

Enclosure: Notice Regarding Change of Power of Attorney

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/872,758	06/21/2004	Rolf Clauberg	CH920010056US1

CONFIRMATION NO. 3607

OC000000020642219

Ronald L. Drumheller, Esq
94 Teakettle Spout Road
Mahopac, NY 10541

Date Mailed: 09/29/2006

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/14/2006.

- The Power of Attorney to you in this application has been revoked by the applicant. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

Kenya McLaughlin

KENYA A THORNTON MCLAUGHLIN
OP (571) 272-3222

NEW ATTORNEY/AGENT COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/872,758	06/21/2004	Rolf Clauberg	CH920010056US1

CONFIRMATION NO. 3607

Ronald L. Drumheller, Esq
94 Teakettle Spout Road
Mahopac, NY 10541

OC000000020642219

Date Mailed: 09/29/2006

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/14/2006.

- The Power of Attorney to you in this application has been revoked by the applicant. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

KENYA A THORNTON MCLAUGHL
OP (571) 272-3222

FORMER ATTORNEY/AGENT COPY

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Steven L. Highlander, Esq.
FULBRIGHT & JAWORSKI L.L.P.
Suite 2400
600 Congress Avenue
Austin TX 78701

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MAY 30 2008

OFFICE OF PETITIONS

In re Patent No. 7,288,646 :
Issue Date: October 30, 2007 :
Application No. 10/872,768 : ON PETITION
Filed: June 21, 2004 :
Attorney Docket No. AMCY:024USD3 :

This is a decision on the petition filed February 13, 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**.

Telephone inquiries concerning this decision may be directed to Carl Friedman at (571) 272-6842. 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.

Carl Friedman
Petitions Examiner
Office of Petitions

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

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MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON, DC 20005-3096

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MAR 20 2006

OFFICE OF PETITIONS

In re Application of :
Kumakhov : DECISION ON PETITION
Application No. 10/872,777 :
Filed: June 22, 2004 :
For: METHOD AND APPARATUS FOR :
PRODUCING AN IMAGE OF THE :
INTERNAL STRUCTURE OF AN OBJECT :

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed December 23, 2005, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned May 24, 2005 for failure to timely reply to the non-final Office action mailed February 23, 2005. The Notice set a three (3) month shortened statutory period of time for reply. No petition for extension of time in accordance with 37 C.F.R. § 1.136 was timely submitted. Notice of Abandonment was mailed September 14, 2005.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by: (1) the required reply to the outstanding Office action or notice, unless previously filed; (2) the petition fee as set forth in 37 C.F.R. § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee set forth in 37 C.F.R. § 1.20(d)) required pursuant to 37 C.F.R. § 1.137(c).

The instant petition has been reviewed and found in compliance with the provisions of 37 C.F.R. § 1.137(b). Accordingly, the failure to timely submit a proper reply to the non-final Office action is accepted as having been unintentionally delayed.

The requested change of correspondence address/power of attorney has been entered into the record.

This application will be forwarded to Technology Center 2800 for further processing.

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

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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GARDNER, GROFF, GREENWALD & VILLANUEVA, P.C.
2018 POWERS FERRY ROAD
SUITE 800
ATLANTA, GA 30339

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JAN 14 2008

OFFICE OF PETITIONS

In re Application of :
Melvin D. Frerking, et al. :
Application No. 10/872,797 : ON PETITION
Filed: June 21, 2004 :
Attorney Docket No. 8C20.1-240 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 30, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of February 1, 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 three-month extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the date of abandonment of this application is August 2, 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.

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

This application is being referred to Technology Center AU 2617 for processing of the RCE filed August 30, 2007 and for appropriate action by the Examiner in the normal course of business on the amendment and affidavit declaration submitted in accordance with 37 CFR 1.114.

April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Bruce P. Bardes
7651 Cornell Road
Montgomery, OH 45242

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JAN 16 2008

OFFICE OF PETITIONS

In re Application of Purgert et al. :
Application No. 10/872,812 : Decision on Petition
Filing Date: June 24, 2004 :
Attorney Docket No. 030411 :

This is a decision on the petition under 37 CFR 1.181, filed September 12, 2007, to withdraw the holding of abandonment.

The petition is **granted**.

This application was held abandoned for failure to timely respond to the Notice to File Missing Parts mailed August 5, 2004, which set a two (2) month shortened statutory period for reply. Accordingly, a reply was due on or before October 5, 2004. A Notice of Abandonment was mailed on April 3, 2006.

Petitioner has proven the Notice to File Missing Parts of Application was never received at the address of record. Therefore, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The Notice to File Missing Parts required the submission of $43 for one excess independent claim. Per advice from an Examiner Sines, petitioner supplied $100 with the petition for the fee. Petitioner raises the issue of the proper fee owed for the extra independent claim. The amount of a fee is determined at the time the fee is paid in full. From the time period of December 8, 2004, to September 29, 2007, the fee for each excess independent claim was $100. The instant petition was filed during the time period above. Therefore, the $100 supplied by petitioner is the correct amount of the fee.

The Office of Patent Application Processing will be informed of the instant decision and will prepare the application for examination 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

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

Bruce P. Bardes
7651 Cornell Road
Montgomery OH 45242

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OFFICE OF PETITIONS

In re Application of :
Robert M. Purgert et al. :
Application No. 10/872,812 : DECISION ON PETITION
Filed: June 12, 2004 : TO MAKE SPECIAL UNDER
Attorney Docket No. 030411 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 23, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED.**

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

The instant petition includes a statement from one of the applicants declaring that he is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

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

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 1794 for action on the merits commensurate with this decision.

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

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2026 RAMBLING ROAD
KALAMAZOO, MI 49008-1631

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JUN 29 2009

OFFICE OF PETITIONS

In re Patent No. 7,175,109 :
Issue Date: February 13, 2007 :
Application No. 10/872,817 : NOTICE
Filed: June 21, 2004 :
Attorney Docket No. RUFF 39

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 Irvin Dingle at (571) 272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions

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HUGH P. GORTLER
23 Arrivo Drive
Mission Viejo CA 92692

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FEB 1 8 2009

OFFICE OF PETITIONS

In re Patent No. 7,448,219 B2 :
Issue Date: November 11, 2008 :
Application No. 10/872,822 : DECISION ON PETITION
Filed: June 21, 2004 :
Attorney Docket No. 04-0524 :

This is a decision on the Request under 37 CFR 3.81(b) For Patent to be Corrected to State the Name of the Assignee, filed December 23, 2008, requesting that the name of the assignee be added to the Title Page of the above-identified patent. The Request is being treated as a petition under 37 CFR 3.81. A completed form PTO-SB/44 accompanied the petition.

The petition under 37 CFR 3.81 is **GRANTED**.

Petitioner requests that the Title Page of the above-identified patent be corrected via issuance of a Certificate of Correction to add the name of the assignee as follows:

> "The Boeing Company (Chicago, IL)".

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

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

The petition was accompanied by a Certificate of Correction and the fees required by 37 CFR 3.81(b). As such, the requisite $100.00 fee (Fee Code 1811), as set forth under in 37 CFR 1.20(a), and the requisite $130.00 processing fee (Fee Code 1464), as set forth under 37 CFR 1.17(i), have been submitted. Further, Office assignment records are consistent with the requested correction. Accordingly, as the petition complies with the provisions of 37 CFR 3.81(b), it is appropriate for the Office to issue a Certificate of Correction in accordance with the content of the form PTO/SB/44 that accompanied the present petition.

Inquiries related to this communication should be directed to Brian W. Brown at (571) 272-5338.

Any questions concerning the issuance of a Certificate of Correction should be directed to the Certificates of Correction Branch at (571) 272-4200.

The matter is being referred to the Certificate of Corrections Branch for processing of a Certificate of Correction in US Patent 7,448,219.

Brian W. Brown
Petitions Examiner
Office of Petitions

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901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

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JUN 18 2009

OFFICE OF PETITIONS

In re Patent No. 7,454,497
Scott Estabrooks
Issue Date: November 18, 2008
Application No. 10/872,832
Filed: June 22, 2004
Attorney Dkt. No. 08971.0012-00
Title: Multi-Platform and
Multi-National Gateway Service

: DECISION ON REQUEST FOR
: RECONSIDERATION OF
: PATENT TERM ADJUSTMENT

This is in response to the "Request for Reconsideration of Patent Term Adjustment" filed December 29, 2008. This petition will be treated under 37 CFR 1.705(d).

The request for reconsideration of patent term adjustment is **DISMISSED**.

On November 18, 2008, the above-identified application matured into US Patent No. 7,454,497 with a patent term adjustment of 925 days. This request for reconsideration of patent term adjustment (including the required fee) was timely filed within two months of the issue date of the patent. See 37 CFR 1.705(d).

Patentee requests recalculation of the patent term adjustment based on the decision in Wyeth v. Dudas, 580 F. Supp. 2d 138, 88 U.S.P.Q. 2d 1538 (D.D.C. 2008). Patentees assert that pursuant to Wyeth, a PTO delay under 35 U.S.C. §154(b)(1)(A) overlaps with a delay under 35 U.S.C. §154(b)(1)(B) only if the delays "occur on the same day." Patentees maintain that a portion of the period of adjustment due to the Three Year Delay by the Office, pursuant to 37 CFR § 1.703(b), 259 of the 515 days, does not overlap with the 925 day period of adjustment due to examination delay, pursuant to 37 CFR §1.702(a), as these periods do not occur on the same day.

Thus, patentee requests that the determination of patent term adjustment be increased by 259 days to a total of one thousand one hundred eighty-four (1184) days.

The 515 day period is calculated based on the application having been filed under 35 U.S.C. §111(a) on June 22, 2004, and the issuance of the patent on November 18, 2008.

Accordingly, the period of adjustment under § 1.702(b) is 515 days, counting the number of days beginning on June 22, 2007 and ending on November 18, 2008.

The 925 day period is for failure by the Office to mail at least one of a notification under 35 U.S.C. 132 not later than fourteen months after the date on which the application was filed under 35 U.S.C. 111(a), pursuant to § 1.702(a)(1). A non-final Office action was mailed on March 4, 2008, which is 14 months and 925 days after the application was filed on June 22, 2004.

Under 37 CFR § 1.703(f), patentee is entitled to a period of patent term adjustment equal to the period of delays based on the grounds set forth in 37 CFR §1.702 reduced by the period of time equal to the period of time during which applicants failed to engage in reasonable efforts to conclude prosecution pursuant to 37 CFR §1.704. In other words, the period of Office delay reduced by the period of applicant delay. The period of reduction of 0 days for applicant delay is not in dispute.

Patentee agrees that the total period of Office delay is the sum of the period of Three Years Delay terminated with the issuance of the patent (515 days) and the period of Examination Delay (925 days) to the extent that these periods of delay are not overlapping.

Patentee contends that 256 days of the period of delay of 515 days were overlapping running from June 22, 2007 to March 4, 2008.

Accordingly, patentees submit that the total period of Office Delay is 1184 days, which is the sum of the period of Three Year Delay (515 days) and the period of Examination Delay (925 days), reduced by the period of overlap (256 days).

As such, patentees assert entitlement to a patent term adjustment of 1184 days (515 +925 reduced by 256 overlap -0 for applicant delay).

The Office agrees that the action detailed above was not taken within the specified time frame, and thus, the entry of period of adjustment of 925 days is correct. At issue is whether patentees should accrue 259 days of patent term adjustment (adjusted for overlap, per patentee's calculations) for the Office taking in excess of three years to issue the patent, as well as 925 days for Office failure to take certain actions within specified time frames (or examination delay).

The Office contends that 515 days overlap. Patentees' calculation of the period of overlap is inconsistent with the Office's interpretation of this provision. 35 U.S.C. 154(b)(2)(A) limits the adjustment of patent term, as follows:

> to the extent that the periods of delay attributable to grounds specified in paragraph (1) overlap, the period of any adjustment granted under this subsection shall not exceed the actual number of days the issuance of the patent was delayed.

Likewise, 37 CFR 1.703(f) provides that:

> To the extent that periods of delay attributable to the grounds specified in §1.702 overlap, the period of adjustment granted under this section shall not exceed the actual number of days the issuance of the patent was delayed.

As explained in *Explanation of 37 CFR 1.703(f) and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A)*, 69 Fed. Reg. 34283 (June 21, 2004), the Office interprets 35 U.S.C. 154(b)(2)(A) as permitting either patent term adjustment under 35 U.S.C. 154(b)(1)(A)(i)-(iv), or patent term adjustment under 35 U.S.C. 154(b)(1)(B), but not as permitting patent term adjustment under both 35 U.S.C. 154(b)(1)(A)(i)-(iv) and 154(b)(1)(B). Accordingly, the Office implements the overlap provision as follows:

> If an application is entitled to an adjustment under 35 U.S.C. 154(b)(1)(B), the entire period during which the application was pending (except for periods excluded under

35 U.S.C. 154(b)(1)(B)(i)-(iii)), and not just the period beginning three years after the actual filing date of the application, is the period of delay under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay overlap under 35 U.S.C. 154(b)(2)(A). Thus, any days of delay for Office issuance of the patent more than 3 years after the filing date of the application, which overlap with the days of patent term adjustment accorded prior to the issuance of the patent will not result in any additional patent term adjustment. See 35 U.S.C. 154(b)(1)(B), 35 U.S.C. 154(b)(2)(A), and 37 CFR § 1.703(f). See *Changes to Implement Patent Term Adjustment Under Twenty Year Term; Final Rule*, 65 Fed. Reg. 54366 (Sept. 18, 2000). See also *Revision of Patent Term Extension and Patent Term Adjustment Provisions; Final Rule*, 69 Fed. Reg. 21704 (April 22, 2004), 1282 Off. Gaz. Pat. Office 100 (May 18, 2004). See also *Explanation of 37 CFR 1.703(f) and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A)*, 69 Fed. Reg. 34283 (June 21, 2004).

The current wording of § 1.703(f) was revised in response to the misinterpretation of this provision by a number of applicants. The rule was slightly revised to more closely track the corresponding language of 35 U.S.C. 154(b)(2)(A). The relevant portion differs only to the extent that the statute refers back to provisions of the statute whereas the rule refers back to sections of the rule. This was not a substantive change to the rule nor did it reflect a change of the Office's interpretation of 35 U.S.C. 154(b)(2)(A). As stated in the *Explanation of 37 CFR 1.703(f) and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A)*, the Office has consistently taken the position that if an application is entitled to an adjustment under the three-year pendency provision of 35 U.S.C. 154(b)(1)(B), the entire period during which the application was pending before the Office (except for periods excluded under 35 U.S.C. 154(b)(1)(B)(i)-(iii)), and not just the period beginning three years after the actual filing date of the application, is the relevant period under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay "overlap" under 35 U.S.C. 154(b)(2)(A).

This interpretation is consistent with the statute. Taken together the statute and rule provide that to the extent that periods of delay attributable to grounds specified in 35 U.S.C.

154(b)(1) and in corresponding §1.702 overlap, the period of adjustment granted shall not exceed the actual number of days the issuance of the patent was delayed. The grounds specified in these sections cover the A) guarantee of prompt Patent and Trademark Office responses, B) guarantee of no more than 3 year application pendency, and C) guarantee or adjustments for delays due to interference, secrecy orders and appeals. A section by section analysis of 35 U.S.C. 154(b)(2)(A) specifically provides that:

> Section 4402 imposes limitations on restoration of term. In general, pursuant to [35 U.S.C.] 154(b)(2)(A)-(C), total adjustments granted for restorations under [35 U.S.C. 154](b)(1) are reduced as follows: (1) To the extent that there are multiple grounds for extending the term of a patent that may exist simultaneously (e.g., delay due to a secrecy order under [35 U.S.C.] 181 and administrative delay under [35 U.S.C.] 154(b)(1)(A)), the term should not be extended for each ground of delay but only for the actual number of days that the issuance of a patent was delayed; See 145 Cong. Rec. S14,718[1]

As such, the period for over 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. Treating the relevant period as starting on June 22, 2007, the date that is 3 years after the actual filing date of the application, is incorrect.

In this instance, the relevant period under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay "overlap" under 35 U.S.C. 154(b)(2)(A) is the entire period during which the application was pending before the Office, June 22, 2004 to November 18, 2008. 925 days of patent term adjustment were accorded prior to the issuance of the patent for the Office failing to respond within a specified time frame. Otherwise, the Office took all actions set forth in 37 C.F.R. § 1.702(a)

---

[1] The AIPA is title IV of the Intellectual Property and Communications Omnibus Reform Act of 1999 (S. 1948), which was incorporated and enacted as law as part of Pub. L. 106-113. The Conference Report for H.R. 3194, 106th Cong. 1st Sess. (1999), which resulted in Pub. L. 106-113, does not contain any discussion (other than the incorporated language) of S. 1948. A section-by-section analysis of S. 1948, however, was printed in the Congressional Record at the request of Senator Lott, See 145 Cong. Rec. S14,708-26 (1999)(daily ed. Nov. 17, 1999).

within the prescribed timeframes. Nonetheless, given the 925 days of Office delay and the 0 days of applicant delay and the permissible timeframes for taking action, as of the issuance of the application, this application was pending 3 years and 515 days. In other words, the 925 days of delay contributed to the over three year pendency. The issuance of the patent was delayed by 925 days, not 925 + 515 days. The Office did not delay 925 days and then an additional 515 days. Entry of both periods is not warranted. 925 days is determined to be the actual number of days that the issuance of the patent was delayed, considering the 515 days for over three year pendency. Accordingly, the Office properly determined that the 515 days for Office delay in issuing the patent overlapped with the 925 days. Accordingly, at issuance, the Office properly entered no additional days of patent term adjustment for the Office taking in excess of 3 years to issue the patent.

In view thereof, the Office affirms that the correct revised determination of patent term adjustment at the time of the issuance of the patent is 925 days (925 - 0).

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 Charlema Grant, Petitions Attorney, at (571) 272-3215.

Kery Fries
Senior Legal Advisor Attorney
Office of Patent Legal Administration

Date Calculator Result

From 06/22/2007 to 11/18/2008 is 515 days.

New calculation

Over 3 yrs H argument

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OFFICE OF PETITIONS

In re Application of	:	
Ulrich et al.	:	
Application No. 10/872,835	:	DECISION GRANTING PETITION
Filed: June 21, 2004	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. 923-089	:	

This is a decision on the petition, filed February 21, 2006, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant non-provisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on June 15, 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 18, 2006, was previously mailed on February 6, 2006.

This matter is being referred to Technology Center Art Unit 3744 for examination in due course.

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

Liana Chase
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICE

STOCKWELL & SMEDLEY, PSC
861 CORPORATE DRIVE, SUITE 200
LEXINGTON KY 40503

In re Application of
ULRICH, CONNIE D.
Application No. 10/872835
Filed: June 21, 2004
Attorney Docket No. **923-089**

DECISION ON PETITION

This is a decision on the Petition To Withdraw Holding Of Abandonment, received in the United States Patent & Trademark (USPTO) via facsimile transmission on November 16, 2007.

The petition is **DISMISSED**.

The above-identified application was held abandoned for applicant's failure to timely pay the issue fee, as required in the Notice of Allowance and Fee(s) Due mailed July 23, 2007. The Notice of Abandonment, mailed on October 24, 2007 indicates, "The submitted fee of $0 is insufficient. A balance of $1000 is due".

The Office acknowledges receipt of Part B – Fee(s) Transmittal via facsimile transmission on August 2, 2007 authorizing that the Issue Fee be charged to Deposit Account No. 19-4430. On August 3, 2007 when an attempt was made by the Office of Finance to charge the fees, there were insufficient funds in the Deposit Account to charge the required fee.

37 CFR 1.25 (a) and (b), which states in part:

> 1.25(a) ...An amount sufficient to cover all fee, services, copies, etc., requested must always be on deposit. Charges to accounts with insufficient funds will not be accepted."
>
> 1.25 (b) ...An authorization to charge a fee to a deposit account will not be considered payment of the fee on the date the authorization to charge the fee is effective as to the particular fee to be charged unless sufficient funds are present in the account to cover the fee.

In light of the non-compliance with 37 CFR 1.25, the holding of abandonment cannot be withdrawn.

Applicant may seek relief by filing a petition for Revival of Abandoned Application under CFR § 1.137 (a) or (b). (Forms are available at USPTO website http://www.uspto.gov)

- ■ Under 37 CFR 1.137(a), a petition for the revival of an ***unavoidable*** abandoned application
- ■ Under 37 CFR 1.137(b), a petition for the revival of an ***unintentionally*** abandoned application

Further inquires with respect to filing a petition under 37 CFR § 1.137 may be directed to the Office of Petitions at 571-272-3282 or addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
Office of Petitions
P O Box 1450
Alexandria, VA 22313-1450

Telephone inquires concerning this decision matter may be directed to the undersigned at 703 308-9250 Ext. 164.

Kendrick Spruill
Office of the Director
Office of Patent Publications

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OFFICE OF PETITIONS

In re Application of :
Adam R. Aron et al :
Application No. 10/872,860 : ON PETITION
Filed: June 21, 2004 :
Attorney Docket No. CE13154JAN :

This is a decision on the petition under 37 CFR 1.137(b), filed July 30, 2007, to revive the above-identified application.

The petition is **GRANTED.**

The application became abandoned for failure to reply to the Notice of Drawing Inconsistency with Specification, mailed June 27, 2007 which set a one (1) month non-extendable period for reply. As no reply was received within the time period set, this application became abandoned on July 28, 2007. A Notice of Abandonment was mailed on August 7, 2007, subsequent to the filing of the present petition to revive.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the required reply in the form of an amendment to the description of drawing Figure 7 in the specification; (2) the petition fee of $1,500; and (3) a proper statement of unintentional delay. Accordingly, the failure to timely reply to the Notice of June 27, 2007 is accepted as being unintentionally delayed.

This application is being referred to Publishing Division for further processing in accordance with this decision.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3218.

Frances Hicks
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

In re Application of :
Ganley et al. :
Application No. 10/872,875 : DECISION ON PETITION
Filed: June 21, 2004 :
Attorney Docket No. 37469-96765 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 21, 2007, 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 January 19, 2007, as required by the Notice of Allowance and Fee(s) Due, mailedOctober 19, 2006. 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 payment of the issue fee of $700.00 and the publication fee of $300.00, (2) the petition fee of $750.00; and (3) a proper statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being

mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Telephone inquiries concerning this decision should be directed to Christopher Bottorff at (571) 272-6052 or in his absence, the undersigned at (571) 272-7099.

This application is being referred to Publishing Division for processing into a patent.

David Bucci
Petitions Examiner
Office of Petitions

cc: Howard B. Rockman
Reed Smith Sachnoff & Weaver, Ltd.
10 South Wacker Drive
Chicago, IL 60606

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OFFICE OF PETITIONS

In re Application of :
Vasilios Vasiadis :
Application No. 10/872,882 : DECISION ON PETITION
Filed: June 21, 2004 : UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. VASIADIS-2

This is a decision on the petition under 37 CFR 1.78(a)(6), filed December 3, 2004, to accept an unintentionally delayed claim under 35 U.S.C. §119(e) for the benefit of the prior-filed provisional application(s) 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(s). In addition, the petition must be accompanied by:

(1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

The petition complies with the requirements noted above.

The granting of the petition to accept the delayed benefit claim to the prior-filed application(s) under 37 CFR 1.78(a)(6) should not be construed as meaning that the instant application is entitled to the benefit of the filing date of the prior-filed application(s). In order for the instant application to be entitled to the benefit of the prior-filed application(s), all other requirements under 35 U.S.C. §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(s) should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application(s) noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the instant application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed provisional application(s), accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Marianne Jenkins at (571) 272-3223.

This matter is being referred to Technology Center AU 3653 for appropriate action on the amendment submitted December 3, 2004, including consideration by the examiner of the claim under 35 U.S.C. §119(e) for the benefit of priority to prior-filed provisional Application No. 60/422,179.

Frances M. Hicks
Lead Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Attachment: Corrected Filing Receipt

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INTELLECTUAL PROPERTY DEPARTMENT
100 BOSCH BOULEVARD
NEW BERN NC 28562

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OCT 0 3 2006

OFFICE OF PETITIONS

In re Application of :
Reinhard WIEDMANN et al. : DECISION ON PETITIONS
Application No. 10/872,885 : UNDER 37 CFR 1.183 AND
Filed: June 21, 2004 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 2001P16133WOUS :

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/EP02/12950, filed November 19, 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 3749 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

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/872,885	06/21/2004	3749	900	2001P16133WOUS	4	16	2

CONFIRMATION NO. 6616

000046726
BSH HOME APPLIANCES CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
100 BOSCH BOULEVARD
NEW BERN, NC 28562

CORRECTED FILING RECEIPT

OC000000020683939

Date Mailed: 10/03/2006

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)

Reinhard Wiedenmann, Weingarten, GERMANY;
Klaus Erdmann, New Bern, NC;

Assignment For Published Patent Application

BSH Bosch und Siemens Hausgerate GmbH, Munich, GERMANY

Power of Attorney: The patent practitioners associated with Customer Number **000046726**.

Domestic Priority data as claimed by applicant

This application is a CON of PCT/EP02/12950 11/19/2002

Foreign Applications

GERMANY DE 101 62 922.2 12/20/2001
If Required, Foreign Filing License Granted: 08/11/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/872,885

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

EXTRACTION SYSTEM FOR A DOMESTIC APPLIANCE, ESPECIALLY A COOKING DEVICE

Preliminary Class

126

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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APR 17 2009

OFFICE OF PETITIONS

In re Application of :
Mark Douglas Davies, et al. :
Application No. 10/872,898 : DECISION DISMISSING PETITION
Filed: June 21, 2004 : UNDER 37 CFR 1.313(a)
Attorney Docket No. 674582-2004 :

This is a decision on the petition under 37 CFR 1.313(a), filed April 16, 2009, requesting withdrawal of the above-identified application from issue.

The petition is **dismissed** as moot for the reasons stated below.

A review of the file record discloses that a Notice of Allowance and Fee(s) Due was mailed on February 10, 2009, with the issue fee being due on or before May 11, 2009. The issue fee in this case has not been paid.

The filing of a petition under 37 CFR 1.313(a) is unnecessary, since the mere filing of an RCE and submission will effectively withdraw an application from issue prior to payment of the issue fee. In view thereof, the petition to withdraw from issue is dismissed as involving a moot issue. *Note* MPEP §§ 706.07(h)(IX) and 1308.

Inquiries concerning this decision may be directed to Terri Williams at (571) 272-2991.

The matter is being referred to Technology Center AU 1647 for appropriate processing of the RCE filed April 16, 2009, and for consideration of the concurrently filed information disclosure statement.

Terri Williams
Petitions Examiner
Office of Petitions

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745 FIFTH AVENUE- 10TH FL.
NEW YORK, NY 10151

Mail Date: 04/21/2010

Applicant	: Mark Douglas Davies	: DECISION ON REQUEST FOR
Patent Number	: 7619065	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/872,898	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/21/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **400** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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GORDON & JACOBSON
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60 LONG RIDGE ROAD
STAMFORD, CT 06902

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AUG 17 2009

OFFICE OF PETITIONS

In re Application of :
Sundaram Ravikumar :
Application No. 10/872,909 : DECISION ON PETITION
Filed: June 21, 2004 : TO WITHDRAW
Attorney Docket No. RAV-014 : 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 25, 2009.

The request is **APPROVED**.

The request was signed by David P. Gordon on behalf of the practitioners of record associated with Customer Number 36822.

Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to inventor Sundaram Ravikumar at the address indicated below.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Sundaram Ravikumar
265 Hardscrabble Road
Briarcliff Manor, NY 10510

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BRUZGA & ASSOCIATES
11 BROADWAY, STE 400
NEW YORK, NY 10004

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MAY 26 2005

OFFICE OF PETITIONS

In re Application of :
Lawrence A. Farwell :
Application No. 10/872,967 : ON PETITION
Filed: June 21, 2004 :
Attorney Docket No. 2620 :

This is a decision on the petition under 37 CFR 1.173(b), filed May 16, 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 4, 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 March 5, 2005.

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

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Chicago, IL 60603-3406

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OCT 14 2005

OFFICE OF PETITIONS

In re Application of	:	
James W. Bacus, et al.	:	
Application No. 10/872,975	:	NOTICE
Filed: June 21, 2004	:	
Attorney Docket No. 82965 (5407)	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3223.

Marianne E. Jenkins
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 09/24/08

TO SPE OF : ART UNIT 1648

SUBJECT : Request for Certificate of Correction for Appl. No.: 10873015 Patent No.: 7407662 B2

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

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: _____

BRUCE R. CAMPELL, PH.D
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600

SPE D Campbell **Art Unit** 1648

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399 PARK AVENUE
NEW YORK NY 10022

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DEC 13 2007

OFFICE OF PETITIONS

In re Application of	:	
Kaufman et al.	:	
Application No. 10/873,032	:	DECISION GRANTING PETITION
Filed: June 21, 2004	:	UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. 19240-463.US2	:	

This is a decision on the petition under 37 CFR 1.78(a)(6), filed November 15, 2007, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of prior-filed provisional Application No. 60/483,300, filed June 26, 2003, as set forth in the concurrently filed amendment and Application Data Sheet (ADS).

The petition is **GRANTED**.

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

(1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

The instant nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed provisional application is submitted after expiration of the period specified by 37 CFR 1.78(a)(5)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(6).

The instant nonprovisional application was pending at the time of filing of the reference to the prior-filed provisional application as required by 37 1.78(a)(5)(iii). Additionally, the instant nonprovisional application was filed within twelve months of the filing date of the prior-filed provisional application, Application No. 60/483,300, which was filed on June 26, 2003, for which priority is claimed.

The amendment is not acceptable as drafted 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. However, the petitioner also submitted an ADS with the instant petition. Accordingly, having found that the instant petition satisfies the conditions of 37 CFR §1.78(a)(6) for acceptance of an unintentionally delayed claim for priority under 35 U.S.C. § 119(e), the petition to accept an unintentionally delayed claim of benefit to the prior-filed application is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(6) should not be construed as meaning that the instant application is entitled to the benefit of the filing date of the prior-filed application. In order for the instant application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the instant application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed provisional application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3206. Any 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 AU 1633 for appropriate action on the amendment submitted November 15, 2007, including consideration by the examiner of the claim under 35 U.S.C. §119(e) for the benefit of priority to prior-filed provisional Application No. 60/483,300.

Liana Walsh
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
10/873,032	06/21/2004	1633	669	0019240.00463US2	42	5

CONFIRMATION NO. 5241

CORRECTED FILING RECEIPT

56949
WilmerHale/Columbia University
399 PARK AVENUE
NEW YORK, NY 10022

OC000000027246102

Date Mailed: 12/12/2007

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Howard Kaufman, New York, NY;
Kenneth Flanagan, New York, NY;

Power of Attorney: The patent practitioners associated with Customer Number 56949

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/483,300 06/26/2003

Foreign Applications

If Required, Foreign Filing License Granted: 08/10/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 10/873,032**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

Novel recombinant poxvirus composition and uses thereof

Preliminary Class

424

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov

Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, NJ 08830

Mail Date: 05/12/2010

Applicant	: Vasudevan Srinivasan	: DECISION ON REQUEST FOR
Patent Number	: 7641985	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 10/873,046	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/21/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **856** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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HOFFMAN WARNICK LLC
75 STATE ST
14TH FLOOR
ALBANY, NY 12207

Mail Date: 04/20/2010

Applicant	: Claude J. Elie	: DECISION ON REQUEST FOR
Patent Number	: 7636892	: RECALCULATION of PATENT
Issue Date	: 12/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/873,048	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/22/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1186** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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MORRISON & FOERSTER, LLP
555 WEST FIFTH STREET
SUITE 3500
LOS ANGELES, CA 90013-1024

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AUG 25 2008

OFFICE OF PETITIONS

In re Application of :
LAYNE, Richard et al. :
Application No. 10/873,062 : DECISION ON PETITION
Filed: June 21, 2004 : TO WITHDRAW
Attorney Docket No. **1016750026P3** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 22, 2008.

The request not approved because it is **Moot**.

A review of the file record indicates that the power of attorney to MORRISON & FOERSTER, LLP has been revoked by the assignee of the patent application on June 13, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Tredelle Jackson at 571-272-2793.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **C.R. BARD, INC.**
BARD PERIPHERAL VASCULAR
1625 W. 3RD ST
PO BOX 1740
TEMPE AZ 85280-1740

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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Paper No. None

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JUL 26 2006

OFFICE OF PETITIONS

NIXON PEABODY, LLP
401 9TH STREET, NW
SUITE 900
WASHINGTON DC 20004-2128

In re Application of :
Jason Daniel Ratzlaff et al. :
Application No. 10/873,063 : DECISION ON PETITION UNDER
Filed: June 21, 2004 : 37 C.F.R. §1.137(A)
Attorney Docket Number: 23091-01 :
Title: LOCKING ELECTRICAL OUTLET :

This is a decision on the petition filed May 8, 2006, under 37 C.F.R. §1.137(a)[1], to revive the above-identified application. A duplicate of this petition was submitted on May 16, 2006.

BACKGROUND

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 August 24, 2005, which set a shortened statutory period for reply of three (3) months. No extensions of time are permitted for transmitting issue fees or publication fees[2]. On October 14, 2005, form PTOL-85 was received in the Office, with an indication that both the issue fee and the publication fee were

1 A grantable petition pursuant to 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 as set forth in 37 C.F.R. §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 37 C.F.R. §1.20(d)) required pursuant to paragraph (d) of this section.

2 See MPEP §710.02(e).

enclosed, however a check was not included and no deposit account information was listed on the form. Accordingly, the above-identified application became abandoned on November 25, 2005. A Notice of Abandonment was mailed subsequent to the receipt of this petition, on June 9, 2006.

The Commissioner is responsible for determining the standard for unavoidable delay and for applying that standard.

"In the specialized field of patent law, . . . the Commissioner of Patent and Trademarks is primarily responsible for the application and enforcement of the various narrow and technical statutory and regulatory provisions. The Commissioner's interpretation of those provisions is entitled to considerable deference."[3]

"[T]he Commissioner's discretion cannot remain wholly uncontrolled, if the facts **clearly** demonstrate that the applicant's delay in prosecuting the application was unavoidable, and that the Commissioner's adverse determination lacked **any** basis in reason or common sense."[4]

"The court's review of a Commissioner's decision is 'limited, however, to a determination of whether the agency finding was arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law.'"[5]

"The scope of review under the arbitrary and capricious standard is narrow and a court is not to substitute its judgment for that of the agency."[6]

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3 Rydeen v. Quigg, 748 F.Supp. 900, 904, 16 U.S.P.Q.2d (BNA) 1876 (D.D.C. 1990), aff'd without opinion (Rule 36), 937 F.2d 623 (Fed. Cir.1991) (citing Morganroth v. Quigg, 885 F.2d 843, 848, 12 U.S.P.Q.2d (BNA) 1125 (Fed. Cir. 1989); Ethicon, Inc. v. Quigg 849 F.2d 1422, 7 U.S.P.Q.2d (BNA 1152 (Fed. Cir. 1988) ("an agency's interpretation of a statute it administers is entitled to deference"); see also Chevron U.S.A. Inc. v. Natural Resources Defence Council, Inc., 467 U.S. 837, 844, 81 L. Ed. 694, 104 S. Ct. 2778 (1984) ("if the statute is silent or ambiguous with respect to the specific issue, the question for the court is whether the agency's answer is based on a permissible construction of the statute.")

4 Commissariat A L'Energie Atomique et al. v. Watson, 274 F.2d 594, 597, 124 U.S.P.Q. (BNA) 126 (D.C. Cir. 1960) (emphasis added).

5 Haines v. Quigg, 673 F. Supp. 314, 316, 5 U.S.P.Q.2d (BNA) 1130 (N.D. Ind. 1987) (citing Camp v. Pitts, 411 U.S. 138, 93 S. Ct.1241, 1244 (1973) (citing 5 U.S.C. 706 (2)(A)); Beerly v. Dept. of Treasury, 768 F.2d 942, 945 (7th Cir. 1985); Smith v. Mossinghoff, 217 U.S. App. D.C. 27, 671 F.2d 533, 538 (D.C. Cir.1982)).

6 Ray v. Lehman, 55 F.3d 606, 608, 34 U.S.P.Q2d (BNA) 1786 (Fed. Cir. 1995) (citing Motor Vehicles Mfrs. Ass'n v. State Farm Mut. Auto. Ins. Co., 463 U.S. 29, 43, 77 L.Ed.2d 443, 103 S. Ct. 2856 (1983)).

The standard

The burden of showing the cause of the delay is on the person seeking to revive the application[7].

"[T]he question of whether an applicant's delay in prosecuting an application was unavoidable must be decided on a case-by-case basis, taking all of the facts and circumstances into account."[8]

The Office must rely on the actions or inactions of duly authorized and voluntarily chosen representatives of the applicant, and the applicant is bound by the consequences of those actions or inactions[9]. Specifically, petitioner's delay caused by the mistakes or negligence of his voluntarily chosen representative does not constitute unavoidable delay within the meaning of 35 USC 133[10].

The actions of the attorney are imputed to the client, for when a petitioner voluntarily chooses an attorney to represent him, the petitioner cannot later distance himself from this attorney, so as to avoid the repercussions of the actions or inactions of this selected representative, for clients are bound by the acts of their lawyers/agents, and constructively possess "notice of all facts, notice of which can be charged upon the attorney[11]."

Courts hesitate to punish a client for its lawyer's gross negligence, especially when the lawyer affirmatively misled the client," but "if the client freely chooses counsel, it should be bound to counsel's actions[12]."

In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account[13]."

RELEVANT LAW, RULES, AND PORTIONS OF THE MPEP

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

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7 Id.

8 See In re Sivertz, 227 USPQ 255, 256 (Comm'r Pat. 1985).

9 Link v. Wabash, 370 U.S. 626, 633-634 (1962).
10 Haines, 673 F.Supp. at 316-17, 5 U.S.P.Q.2d at 1131-32; 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. 103, 131 (Comm'r Pat. 1891).
11 Link at 633-634.
12 Inryco, Inc. v. Metropolitan Engineering Co., Inc., 708 F.2d 1225, 1233 (7th Cir. 1983). See also, Wei v. State of Hawaii, 763 F.2d 370, 372 (9th Cir. 1985); LeBlanc v. I.N.S., 715 F.2d 685, 694 (1st Cir. 1983).
13 Smith v. Mossinghoff, 671 F.2d at 538; 213 USPQ at 982.

mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Director in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Director that such delay was unavoidable.

(Amended Nov. 29, 1999, Public Law 106-113, sec. 1000(a)(9), 113 Stat. 1501A-582 (S. 1948 sec. 4732(a)(10)(A)).)

37 C.F.R. §1.311 sets forth, *in toto*:

(a) If, on examination, it appears that the applicant is entitled to a patent under the law, a notice of allowance will be sent to the applicant at the correspondence address indicated in 37 C.F.R. § 1.33. The notice of allowance shall specify a sum constituting the issue fee which must be paid within three months from the date of mailing of the notice of allowance to avoid abandonment of the application. The sum specified in the notice of allowance may also include the publication fee, in which case the issue fee and publication fee (§ 1.211(f)) must both be paid within three months from the date of mailing of the notice of allowance to avoid abandonment of the application. This three-month period is not extendable.

(b) An authorization to charge the issue fee or other post-allowance fees set forth in 37 C.F.R. §1.18 to a deposit account may be filed in an individual application only after mailing of the notice of allowance. The submission of either of the following after the mailing of a notice of allowance will operate as a request to charge the correct issue fee to any deposit account identified in a previously filed authorization to charge fees:
(1) An incorrect issue fee; or
(2) A completed Office-provided issue fee transmittal form (where no issue fee has been submitted).

[47 FR 41279, Sept. 17, 1982, effective Oct. 1, 1982; para. (b) revised, 65 FR 54604, Sept. 8, 2000, effective Nov. 7, 2000; revised, 65 FR 57024, Sept. 20, 2000, effective Nov. 29, 2000; para. (a) revised, 66 FR 67087, Dec. 28, 2001, effective Dec. 28, 2001]

MPEP 1306 states, in part:

The issue fee is due 3 months from the date of the Notice of Allowance. The amount of the issue fee is shown on the Notice of Allowance. However, because the amount of the issue fee due is determined by the fees set forth in 37 CFR 1.18 which are in effect as of the date of submission of payment of the issue fee, the amount due may differ from the amount indicated on the Notice of Allowance. Accordingly, applicants are encouraged, at the time of submitting payment of the issue fee, to determine whether the amount of the issue fee due has changed. The amounts due under 35 U.S.C. 41(a) are reduced by 50 per centum for small entities

ANALYSIS

With the present petition, Petitioner has submitted the petition fee, and has asserted that the present application went abandoned for failure to receive "a Query dated February 1, 2006."

It is not obvious what communication Petitioner is referring to. Both the electronic file and the Office's Patent Application Location and Monitoring software have been reviewed, and it does not appear that the Office mailed a communication to Petitioner on February 1, 2006. Furthermore, the reference to a "query" is not clear, and it cannot be determined precisely what communication Petitioner believes was mailed to him on this date.

CONCLUSION

As such, the petition under 37 C.F.R. §1.137(a) 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. 1.137(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[14], hand-delivery[15], or facsimile[16].

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225[17]. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

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14 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
15 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
16 (571) 273-8300- please note this is a central facsimile number.
17 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).

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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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ALEXANDRIA, VA 22313-1450
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Paper No. None

NIXON PEABODY, LLP
401 9TH STREET, NW
SUITE 900
WASHINGTON DC 20004-2128

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AUG 18 2006
OFFICE OF PETITIONS

In re Application of :
Jason Daniel Ratzlaff et al. :
Application No. 10/873,063 : DECISION ON PETITION UNDER
Filed: June 21, 2004 : 37 C.F.R. §1.137(B)
Attorney Docket Number: 23091-01 :
Title: LOCKING ELECTRICAL OUTLET :

This is a decision on the petition filed August 7, 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 and publication fees in a timely manner in reply to the Notice of Allowance and Issue Fee Due, mailed August 24, 2005, which set a shortened statutory period for reply of three (3) months. No extensions of time are permitted for transmitting issue fees or publication fees[2]. On October 14, 2005, form PTOL-85 was received in the Office, with an

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).

indication that both the issue fee and the publication fee were enclosed, however a check was not included and no deposit account information was listed on the form. Accordingly, the above-identified application became abandoned on November 25, 2005. A Notice of Abandonment was mailed on June 9, 2006.

On May 8, 2006, Petitioner submitted a petition under 37 C.F.R. §1.137(a) to the Office, along with the issue and publication fees. This petition was dismissed via the mailing of a decision on July 26, 2006.

With the present petition, Petitioner has submitted the petition fee and the proper statement of unintentional delay. 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

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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

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United States Patent and Trademark Office
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MCCARTER & ENGLISH, LLP HARTFORD
CITYPLACE I
185 ASYLUM STREET
HARTFORD CT 06103

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OFFICE OF PETITIONS

In re Application of	:	
Feng et al.	:	
Application No. 10/873,077	:	ON PETITION
Filed: June 21, 2004	:	
Attorney Docket No. 97700.00002	:	

This is a decision on the petition under 37 CFR 1.181, filed November 26, 2008, requesting the withdrawal of the holding of abandonment in the above-identified application and has been so treated.

The petition to withdraw the holding of abandonment is **GRANTED.**

Petitioner states that an Amendment After Final was timely filed on June 25, 2008, subsequent to a telephonic interview with the Examiner on June 24, 2008. The Notice of Abandonment mailed October 7, 2008 stated, "A response to the final rejection of 25 March 2008 was timely filed. However, examination of said response was delayed due to attrition involving the original examiner of record. Applicant failed to take appropriate steps to ensure that the application did not become abandoned by statute on 26 September 2008."

The Amendment submitted June 25, 2008 was never previously reviewed to determine whether it would place the application in condition for allowance. However, it has since been considered and has been found that it does in fact place the instant application in condition for allowance.

In view of the above, the holding of abandonment is hereby withdrawn and the application restored to pending status. A petition to withdraw the holding of abandonment under the provisions of 37 CFR 1.181 does not require a fee and none has been charged.

This matter is being referred to Technology Center AU 3735 for further examination on the merits.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

/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
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MORRISON & FOERSTER, LLP
555 WEST FIFTH STREET, SUITE 3500
LOS ANGELES, CA 90013-1024

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JUL 11 2008

In re Application of :
EDWIN, et al. :
Application No. 10/873,085 : DECISION ON PETITION
Filed: June 21, 2004 : TO WITHDRAW
Attorney Docket No. 1016750012P8 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 22, 2008.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to **MORRISON & FOERSTER, LLP** has been revoked by the assignee of the patent application on June 4, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272- 7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: C.R. BARD, INC.
BARD PERIPHERAL VASCULAR
1625 W. 3RD STREET/P.O. BOX 1740
TEMPE, AZ 85280-1740

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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MADAN, MOSSMAN & SRIRAM, P.C.
2603 AUGUSTA DRIVE
SUITE 700
HOUSTON TX 77057-5662

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OFFICE OF PETITIONS

In re Application of :
Ballantyne et al. :
Application No. 10/873,091 : DECISION ON PETITION
Filed: 06/22/2004 :
Attorney Docket No. 564-38902-US :

This is a decision on the petition under 37 CFR 1.181, filed April 30, 2008, to withdraw the holding of abandonment for the above-identified application.

On August 11, 2006, the Office mailed a Restriction Requirement, which set a shortened statutory period of one month or thirty days, which was longer, to reply. In the absence of a timely filed response, the application was held abandoned on September 12, 2006. A Notice of Abandonment was mailed on March 20, 2007.

On petition, the practitioner states that he did not receive the Restriction Requirement or the Notice of Abandonment because the USPTO mailed them to an incorrect correspondence address. Specifically, the practitioner asserts:

> This abandonment was not noted by the undersigned until April 24, 2008 at which time PAIR was visited for research purposes. The undersigned's office has been in communication with the PTO regarding proper actions to take.
>
> The Applicants originally filed the application on June 22, 2004. At that time, all correspondence was to be addressed to and was displayed as Customer No. 44871 and shown on all transmittals. A Notice to File Missing Parts of a Nonprovisional Application was mailed on August 16, 2004 and received by the undersigned. A response to the Notice to File Missing Parts with the combined Declaration and Power of Attorney was submitted on October 18, 2004, still showing the correspondence address as Customer No. 44871. No Change of Correspondence was filed by the undersigned. The correspondence address was changed by the USPTO on October 18, 2004 to the address of the "first named inventor." The undersigned was not notified of this change. Attached are copies of the relevant PAIR documents showing the Change of Address entered by the Office as of 10/18/2004. A Restriction Requirement was mailed on August 11, 2006 and a Notice of Abandonment

(due to nonresponse) was mailed on March 20, 2007 - both presumably to the address of first named inventor. The first named inventor was no longer employed with the Assignee at the time the Restriction Requirement was mailed. The undersigned was not aware of the issuance of either the Restriction Requirement or the Notice of Abandonment.

Petition filed 04/30/08, p. 1.

Thus, applicants request that the Office correct its records to reflect Customer No. 44871 as the correspondence address or record, withdraw the holding of abandonment, re-mail the Restriction Requirement, and re-start the period for reply.

A review of the record indicates that the Office incorrectly changed the correspondence address of record from Customer No. 44871 to the mailing address of the first named inventor. The Office notes that on filing the present application, applicants identified Customer No. 44871 as the correspondence address. The record does not show that any requests to change of correspondence address from Customer No. 44871 were filed in the application. Consequently, the Restriction Requirement and the Notice of Abandonment were mailed to the wrong correspondence address. It is obvious from the record that the practitioner did not receive notice of the Restriction Requirement and the Notice of Abandonment from the USPTO.

The Office has corrected the correspondence address and made it of record. The petition under 37 CFR 1.181 is **GRANTED**. No petition fee is required.

Technology Center Art Unit 3672 has been advised of this decision. The matter is being referred to the Technology Center's technical support staff for re-mailing of the Restriction Requirement. The a shortened statutory period of one month or thirty days, which is longer, for responding to the Restriction Requirement will be set to run from the re-mailing date of the Office action.

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

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
10/873,091	06/22/2004	3672	1634	564-38902-US	56	4

CONFIRMATION NO. 5773

CORRECTED FILING RECEIPT

44871
MADAN, MOSSMAN & SRIRAM, P.C.
2603 AUGUSTA DRIVE
SUITE 700
HOUSTON, TX 77057-5662

Date Mailed: 04/28/2008

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Ray Ballantyne, Houston, TX;
Holger Mathiszik, Wathlingen, GERMANY;
Michael Neubert, Braunschweig, GERMANY;

Assignment For Published Patent Application

Baker Hughes Incorporated, Houston, TX

Power of Attorney: The patent practitioners associated with Customer Number 44871

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 08/13/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 10/873,091**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Drilling wellbores with optimal physical drill string conditions

Preliminary Class

175

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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SALIWANCHIK LLOYD & SALIWANCHIK
A PROFESSIONAL ASSOCIATION
PO Box 142950
GAINESVILLE, FL 32614

Mail Date: 04/20/2010

Applicant	: Tamir M. Ellis	: DECISION ON REQUEST FOR
Patent Number	: 7648825	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/873,101	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/21/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1235** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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KENING LI
PINSENT MASONS LLP
c/o FOUNTAIN LAW GROUP, INC
18201 Von Karman Avenue, Suite 960
Irvine CA 92612

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AUG 17 2009

OFFICE OF PETITIONS

In re Application of
Yao et al.
Application No. 10/873,163
Filed: June 23, 2004
Attorney Docket No. 638594-07001

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 5, 2009, to revive the above-identified application.

The petition is **GRANTED**.

This above-identified application became abandoned for failure to timely file a reply to a non-final Office action mailed January 24, 2008. The Office Action set a three (3) month shortened statutory period for reply. No extensions of time were obtained under the provisions of 37 CFR 1.136(a). Accordingly, this application became abandoned on April 25, 2008. A Notice of Abandonment was mailed on July 29, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment (2) the petition fee of $1620.00, and (3) a statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

This application is being referred to Technology Center AU 2627 for appropriate action by the Examiner in the normal course of business on the reply received

Charlema Grant
Petitions Attorney
Office of Petitions

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Baker & McKenzie
Pennzoil Place, South Tower
711 Louisiana, Suite 3400
Houston, TX 77002

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JUL 09 2008

OFFICE OF PETITIONS

In re Application of :
Darren Holland :
Application No. 10/873,207 : DECISION ON PETITION
Filed: June 23, 2004 : TO WITHDRAW
Attorney Docket No. 95178086-000003 : 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 May 30, 2008.

The request is **NOT APPROVED**.

A review of the file record indicates that W. Jackson Matney, Jr. does not have power of attorney in this patent application nor is there any statement or evidence of record of employment in or otherwise being engaged in the proceedings in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

All future communications from the Office will continue to be directed to the above-listed address until otherwise properly notified by the applicant.

Telephone inquires concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: W. Jackson Matney, Jr.
Morgan, Lewis & Bockius, LLP
1111 Pennsylvania Avenue, NW
Washington, DC 20004

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BURNS DOANE SWECKER & MATHIS, LLP
POST OFFICE BOX 1404
ALEXANDRIA VA 22313-1404

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NOV 0 8 2004

OFFICE OF PETITIONS

In re Application of :
Perrott, et al. :
Application No. 10/873,214 : ON PETITION
Filed: June 23, 2004 :
Attorney Docket No. 025265-247 :
:

This is a decision on the petition, filed September 15, 2004, requesting, in effect, withdrawal of the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed August 9, 2004, insofar as it alleges Figures 3, 4, and 5 were omitted upon filing. The petition will be treated under 37 CFR 1.53(e).

The petition under 37 CFR 1.53(e) 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.

The application was filed on June 23, 2004. On August 9, 2004, the Office of Initial Patent Examination mailed a Notice informing petitioners that Figures 3, 4, and 5 described in the specification appeared to have been omitted.

In response to the Notice, petitioners filed the present petition. Petitioners state that Figures 3, 4, and 5 were received in the Patent and Trademark Office (PTO) on June 23, 2004.

Unfortunately, the instant petition is incomplete. The supporting evidence cited in the petition, the USPTO date-stamped itemized postcard cannot be located. Petitioners are requested to submit another copy of the USPTO date-stamped postcard receipt. In addition, petitioners must submit the $130.00 petition fee. The $130.00 submitted on September 15, 2004 was applied towards the $130.00 surcharge due for the late filing of an executed oath/declaration.

The application file will be retained in the Office of Petitions until the postcard receipt is re-submitted and petitioners pay the $130.00 petition fee.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: U.S. Patent and Trademark Office
220 20th Street S.
Customer Window, Mail Stop Petition
Crystal Plaza 2, Lobby, Room 1B03
Arlington, VA 22202

By FAX: (703) 872-9306 – ATTN: Office of Petitions

Any inquiries pertaining to this matter may 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
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BURNS DOANE SWECKER & MATHIS, LLP
POST OFFICE BOX 1404
ALEXANDRIA VA 22313-1404

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DEC 3 0 2004

OFFICE OF PETITIONS

In re Application of
Perrott, et al.
Application No. 10/873,214
Filed: June 23, 2004
Attorney Docket No. 025265-247

ON PETITION

This is a decision on the reconsideration petition under 37 CFR 1.53(e), filed December 8, 2004, requesting, in effect, withdrawal of the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed August 9, 2004, insofar as it alleges Figures 3, 4, and 5 were omitted upon filing.

The petition under 37 CFR 1.53(e) is **DISMISSED**.

The application was filed on June 23, 2004. On August 9, 2004, the Office of Initial Patent Examination mailed a Notice informing petitioners that Figures 3, 4, and 5 described in the specification appeared to have been omitted.

Applicants' first petition under 37 CFR 1.53(e), filed September 15, 2004, was dismissed on November 8, 2004 for failure to provide supporting evidence that the allegedly omitted figures were filed on June 23, 2004 and for failure to submit the petition fee.

In response to the decision on petition, petitioners filed the present reconsideration petition on December 8, 2004. Petitioners state that Figures 3, 4, and 5 were received in the Patent and Trademark Office (PTO) on June 23, 2004.

The copy of the USPTO date-stamped itemized postcard receipt proves 18 pages of drawings were filed on June 23, 2004. A review of the application file reveals that 18 pages are present. The present petition does not allege and is not accompanied by any evidence that any sheets of drawings containing the labels "Fig. 3" , "Fig. 4", and "Fig. 5" were present in the Office on June 23, 2004.

A review of the application file reveals that the specification describes "Figure 3", "Figure 4", and "Figure 5", but the drawings present in the application file and resubmitted with the September 15,

2004 petition show "Fig. 3A" and "Fig. 3B" and "Fig. 4A" and "Fig. 4B", and "Fig. 5A" and "Fig. 5B". In short, petitioners described and referenced drawing figures that were not filed.

Therefore, the "Notice" mailed August 9, 2004, was correct in advising applicants that drawings of Figures 3, 4 and 5 appeared to have been omitted. The "Notice" was properly mailed and will not be withdrawn.

The petition fee is required, since the petition was not necessary to correct any PTO error. On November 22, 2004 certain petition fees increased. A petition to accord filing date under 37 CFR 1.53(e) increased to $400.00. Therefore, since a $130.00 petition fee was submitted on December 8, 2004, petitioners owe an additional $270.00. Deposit account no. 02-4800 will be charged the balance due.

To avoid further delay in the examination of the application, petitioners should promptly (1) file a letter to the draftsman correcting the labeling of the drawing figures or (2) amend the specification to reconcile the inconsistent references to the drawing figures.

The application will be returned to the Office of Initial Patent Examination for further processing.

Any inquiries pertaining to this matter may be directed to the undersigned at (571) 272-3230.

E. Shirene Willis
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Baker & McKenzie, LLP
Pennzoil Place, South Tower
711 Louisiana, Suite 3400
Houston, TX 77002-2716

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SEP 15 2008

In re Application of	:	
Darren Holland	:	
Application No. 10/873,215	:	DECISION ON PETITION
Filed: June 23, 2004	:	TO WITHDRAW
Attorney Docket No. 95178086-000004	:	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 30, 2008.

The request is **APPROVED**.

A review of the file record indicates that W. Jackson Matney, Jr. : (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, all the attorneys/agents of record have been withdrawn from the present application and may not prepare or submit papers under 37 C.F.R. § 1.34, or correspond in any manner in this application unless appointed in an acceptable power of attorney under 37 C.F.R. § 1.32(b).

The request to change the correspondence address has been changed and is copied below.

Applicant is reminded that there is no attorney of record at this time.

Telephone inquires concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Darren Holland
4917 Vanderhill Road
Torrence, CA 90505

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/873,215	06/23/2004	Darren Holland	95178086-000004

CONFIRMATION NO. 1539

POWER OF ATTORNEY NOTICE

51738
BAKER & MCKENZIE LLP
Pennzoil Place, South Tower
711 Louisiana, Suite 3400
HOUSTON, TX 77002-2716

Date Mailed: 09/15/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/30/2008.

- 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.

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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RICHES MCKENZIE & HERBERT, LLP
SUITE 1800
2 BLOOR STREET EAST
TORONTO, ON M4W 3J5
CANADA

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MAR 2 5 2005

OFFICE OF PETITIONS

In re Application of	:	
Nash Nizamuddin	:	
Application No. 10/873,254	:	ON PETITION
Filed: June 23, 2004	:	
Attorney Docket No. P35704	:	

This is a decision on the petition under 37 CFR 1.182, filed March 14, 2005, to change the inventor's name from Nash Nizamuddin to Nash Nizam.

The petition is **DISMISSED.**

Effective December 8, 2004, petitions under 37 CFR 1.182 fees increased to $400. The Office records show the petition fee has not been received. Therefore, this petition can not be granted until the $400 petition fee has been received.

Telephone inquiries concerning this matter may be directed to Irvin Dingle at (571) 272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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RICHES, MCKENZIE & HERBERT, LLP
SUITE 1800
2 BLOOR STREET EAST
TORONTO, ON M4W 3J5
CANADA

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JUN 01 2005

OFFICE OF PETITIONS

In re Application of :
Nash Nizam :
Application No. 10/873,254 :
Filed: June 23, 2004 :
Attorney Docket No. P35704 :

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.182, filed April 25, 2005, to change the name of Inventor Nash Nizamuddin to Nash Nizam.

The petition is **GRANTED.**

Telephone inquiries concerning this matter may be directed to Irvin Dingle at (571) 272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Attachment: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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1800 DIAGONAL ROAD
SUITE 370
ALEXANDRIA, VA 22314

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DEC 30 2005

TECHNOLOGY CENTER 2100

In re Application of WATANABE
Application No.: 10/873,271
Filing Date: June 23, 2004
For: MANAGING METHOD FOR STORAGE SUBSYSTEM

DECISION ON PETITION FOR ACCELERATED EXAMINATION UNDER M.P.E.P. §708.02(VIII)

This is a decision on the petition filed October 26, 2005 under 37 CFR §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 CFR §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. The election may be made by applicant at the time of filing the petition for special status. Should applicant fail to include an election with the original papers or petition and the Office determines that a requirement should be made, the established telephone restriction practice will be followed. If otherwise proper, examination on the merits will proceed on claims drawn to the elected invention. If applicant refuses to make an election without traverse, the application will not be further examined at that time. The petition will be denied on the ground that the claims are not directed to a single invention, and the application will await action in its regular turn. Divisional applications directed to the nonelected inventions will not automatically be given special status based on papers filed with the petition in the parent application. Each such application must meet on its own all requirements for the new 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 >if the claims in the corresponding foreign application are of the same or similar scope to the claims in the U.S. application for which special status is requested<;

(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.

Because the petition filed October 26, 2005 meets the criteria set forth above, the petition to make special is **GRANTED**.

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.

Pinchus M. Laufer
Special Programs Examiner
Technology Center 2100
Computer Architecture, Software, and Information Security
571-272-3599

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BRUNDIDGE & STANGER, P.C.
1700 DIAGONAL ROAD, SUITE 330
ALEXANDRIA VA 22314

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JAN 29 2010

In re Application of	:	
Naoki Watanabe	:	
Application No. 10/873,271	:	DECISION ON PETITION
Filed: June 23, 2004	:	
Attorney Docket No. SUN-5155	:	

This is a decision on the petition under 37 CFR 1.59(b), filed August 4, 2009, to expunge information from the above identified application.

The petition is dismissed.

Petitioner requests that a document entitled Internal Document-Do Not Mail, dated May 9, 2006, be expunged from the record. This document is a Terminal Disclaimer Approval form and indicates a terminal disclaimer filed May 9, 2006 was approved. Petitioner states that no terminal disclaimer was filed in this application.

The petition is deficient because the petition was filed after issuance of the above identified application. The petition was filed August 4, 2009 and the application issued as a patent on June 16, 2009. Petitions to expunge filed under 37 CFR 1.59 cannot be granted in a patented file.

It is noted that a request for certificate of correction to remove the reference to a terminal disclaimer on the front of the patent was granted on September 1, 2009.

Telephone inquiries concerning this communication should be directed to Carl Friedman at (571) 272-6842.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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SAP / FINNEGAN, HENDERSON LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

Mail Date: 04/26/2010

Applicant	: Bernd Ernesti	: DECISION ON REQUEST FOR
Patent Number	: 7669763	: RECALCULATION of PATENT
Issue Date	: 03/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/873,272	: OF WYETH
Filed	: 06/23/2004	:
		:

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.

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SAP / FINNEGAN, HENDERSON LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

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JUN 11 2010

OFFICE OF PETITIONS

In re Patent No. 7,669,763 :
Issue Date: March 2, 2010 :
Application No. 10/873,272 : DECISION ON PETITION
Filed: June 23, 2004 :
Attorney Docket No. 08020.0014-00 :

This is a decision on the petition under 37 CFR 1.182, filed April 6, 2010, requesting issuance of duplicate Letters Patent for the above-identified patent.

The petition is **GRANTED**.

The Office of Data Management is directed to issue duplicate Letters Patent.

As authorized, the $400 fee for the petition under 37 CFR 1.182 has been assessed to petitioner's deposit account.

Telephone inquiries concerning this decision may be directed to Terri Johnson at (571) 272-2991. Inquiries regarding the issuance of duplicate Letters Patent may be directed to Niomi Farmer in the Office of Data Management at (703) 756-1556.

A copy of this decision is being sent to Office of Data Management for issuance of duplicate Letters Patent.

Terri Johnson
Petitions Examiner
Office of Petitions

cc: Niomi Farmer, Randolph Square, 9th Floor, Room D30-B (Fax No. (571) 270-9753)

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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RUDEN, MCCLOSKY, SMITH, SCHUSTER & RUSSELL, P.A.
222 LAKEVIEW AVE, SUITE 800
WEST PALM BEACH, FL 33401-6112

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FEB 11 2009

OFFICE OF PETITIONS

In re Application of :
Richard **WILEN** :
Application No. 10/873,317 :
Filed: June 21, 2004 :
Attorney Docket No. **59987-0009** :

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 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** 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 August 31, 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 December 1, 2007.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item (1) a proper reply.

It is noted that an amendment was included with the petition filed May 22, 2008. However, the amendment is considered non-responsive, since it did not place the application in condition for allowance. See the attached Advisory Action. The proposed reply required for consideration of a petition to revive this application must be a Notice of Appeal (and appeal fee required under 37 CFR 1.17 (b)), and amendment that *prima facie* places the

application in condition for allowance, or the filing of a submission under 37 CFR 114 (RCE) or a continuing application under 37 CFR 1.53 (b). See MPEP 711.03 (c)(II)(A)(2).

There is no indication that the person signing the petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. However, in accordance with 37 CFR 1.34, the signature of Mr. Richard B. Klar appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party in whose behalf he acts. If, Mr. Klar desires to receive correspondence regarding this file, the appropriate power of attorney documents must be submitted. A courtesy copy of this decision is being mailed to the petitioner herein. However, until otherwise instructed, all future correspondence regarding this application file will be directed solely to the above-noted correspondence address of record.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries concerning this decision should be directed to Monica A. Graves at (571) 272-7253.

Chris Bofforff
Petitions Examiner
Office of Petitions

cc: **RICHARD B. KLAR**
FELDMAN LAW GROUP, PC
12 EAST 41ST STREET
NEW YORK, NY 10017

Attachment: Advisory Action

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/873,317	Applicant(s) WILEN, RICHARD	
	Examiner SARA ADDISU	Art Unit 3724	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 22 May 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 6 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: *8 and 10-18*.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Sara Addisu/
Examiner, Art Unit 3724
1/12/09

PAGE 3/4 * RCVD AT 1/12/2009 12:47:48 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-5/32 * DNIS:2737253 * CSID:703 305 1667 * DURATION (mm-ss):01-54

Continuation Sheet (PTO-303)

Application No. 10/873,317

Continuation of 3. NOTE: Independent claims 8, 10 and 17 have a new limitation whereby the magnetic strip is encoded with indicia as either a hotel door lock code or a credit card account number. This will require further search and consideration. Please also note that the claims mention "encoded indicia" , Examiner is not clear if it is an "encoded information" rather than "indicia".

PAGE 4/4 * RCVD AT 1/12/2009 12:47:48 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-5/32 * DNIS:2737253 * CSID:703 305 1667 * DURATION (mm-ss):01-54

UNITED STATES PATENT AND TRADEMARK OFFICE

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JAMES DAVID JOHNSON, P.A.
401 EAST LAS OLAS BLVD, SUITE 130-290
FORT LAUDERDALE, FL 33301

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SEP 21 2009

OFFICE OF PETITIONS

In re Application of :
Richard WILEN :
Application No. 10/873,317 :
Filed: June 21, 2004 :
Attorney Docket No. **59987-0009** :

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed April 10, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of August 31, 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 date of abandonment of this application is December 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 a Request for Continued Examination (RCE) and fee of $405, and the submission required by 37 CFR 1.114; (2) the petition fee of $770; 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.

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 3722 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.

Brian W. Brown
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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OFFICE OF PETITIONS

ELLIS & VENABLE, PC
101 NORTH FIRST AVE.
SUITE 1875
PHOENIX, AZ 85003

In re Application of
Michael Brunn, et al.
Application No. 10/873,331
Filed: June 21, 2004
Attorney Docket No. PHLV0643-017

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b) to revive the above-identified application, filed March 20, 2006.

The petition is **GRANTED**.

The application became abandoned for failure to pay the issue fee on or before March 13, 2006. This decision precedes the mailing of a Notice of Abandonment.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the requisite issue/publication fee; (2) the petition fee of $750; and (3) an adequate statement of unintentional delay.

The application is being referred to the Office of Publications to be processed into a patent.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing at Publishing Division should be directed to (571) 272-4200.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/873,347	06/22/2004	2873	385	LELI 3518	4	12	2

CONFIRMATION NO. 5815

CORRECTED FILING RECEIPT

OC000000013780863

000321
SENNIGER POWERS LEAVITT AND ROEDEL
ONE METROPOLITAN SQUARE
16TH FLOOR
ST LOUIS, MO 63102

Date Mailed: 09/14/2004

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)

Atsushi Oshima, Yokohama-Shi, JAPAN;
Akira Yamazaki, Yokohama-Shi, JAPAN;
Yasutaka Koga, Tokyo, JAPAN;

Assignment For Published Patent Application

Arc Design, Inc.
Atsushi Oshima
Akira Yamazaki
Yasutaka Koga

Power of Attorney: The patent practitioners associated with Customer Number **000321**.

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 08/08/2004

The number of your priority application, to be used for filing abroad under the Paris Convention is,
US10/873,347

Projected Publication Date: 12/22/2005

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Zoom lens mechanism partly foldable and retractable

Preliminary Class

359

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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PATRICK D. KELLY
11939 MANCHESTER #403
ST. LOUIS, MO 63131

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JAN 24 2007

OFFICE OF PETITIONS

In re Application of	:	
Alan K. Richards	:	
Application No. 10/873,361	:	DECISION ON PETITION
Filed: June 21, 2004	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. AR-US-1U	:	

This is a decision on the petition under 37 CFR 1.137(b), filed August 14, 2006, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Application (Notice) mailed August 9, 2004, which required the submission of an executed oath or declaration in compliance with 37 CFR 1.63, a $65 surcharge fee for the late filing of the oath or declaration, additional claim fees, and an abstract in compliance with 37 CFR 1.72(b). 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. In reply, on December 13, 2004 (certificate of mailing date of December 9, 2004), the Office received a request and fee of $225 for a two month extension of time fee, claim fees totaling $320, and a $65 surcharge fee for the late filing of the oath or declaration. Due to the fee increase effective November 22, 2004, the claim fees submitted were insufficient. Therefore, on December 23, 2004, a Notice of Incomplete Reply (Nonprovisional) was mailed stating that an additional $575 claim fee for 31 claims over 20 was due. No reply having been received, the date of abandonment of this application is December 10, 2004. A Notice of Abandonment was mailed on April 3, 2006.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or

the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c).

The petition complies with the above requirements. Accordingly, the reply to the Notices of August 9, 2004 and December 23, 2004 is accepted as having been unintentionally delayed.

The Notice of December 23, 2004 stated that additional claim fees totaling $575 were due for 31 claims. This Notice is incorrect insofar as it indicates there are 31 claims in excess of 20; the correct number of claims is 30 in excess of 20. As $72 was submitted on filing for additional claim fees for 8 claims, the Notice should have indicated that $550 rather than $575 was due for additional claim fees ($25 x 22 claims = $550 due). The Office has received $265 of that fee, leaving a balance due of $285. Accordingly, as authorized, this additional claim fee balance of $285 will be charged to petitioner's deposit account.

Any questions concerning this decision on petition may be directed to the undersigned at 571-272-3218.

This application is being referred to the Office of Initial Patent Examination to complete the pre-examination processing.

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

Fish & Richardson
P.O. Box 1022
Minneapolis, MN 55440-1022

MAILED

MAY 04 2009

OFFICE OF PETITIONS

In re Application of :
Min Zhu et al. :
Application No. 10/873,392 : DECISION ON PETITION
Filed: June 21, 2004 : TO WITHDRAW
Attorney Docket No. 11339-007002 : 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 13, 2006.

The request is **moot because a revocation of power of attorney has been filed.**

A review of the file record indicates that the power of attorney to David J. Goren and all attorneys/agents of record have been revoked by the assignee of the patent application on July 25, 2006. 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: Cesari and McKenna, LLP
88 Black Falcon Avenue
Boston, MA 02210

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 2/11/09

TO SPE OF : ART UNIT 2624

SUBJECT : Request for Certificate of Correction for Appl. No.: 10873393 Patent No.: 7474772 B2

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580
[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.

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Comments: Requested changes appear to be clerical/typographical in nature and do not involve new matter nor change the scope of the claim.

BHAVESH M. MEHTA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

PTOL-306 (REV. 7/03) U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office

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INTELLECTUAL PROPERTY DEPARTMENT
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NEW BERN NC 28562

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DEC 0 4 2006

OFFICE OF PETITIONS

In re Application of :
Walter Lipp et al. :
Application No. 11/873,399 : DECISION ON PETITION
Filed: June 21, 2004 : UNDER 37 C.F.R. §1.137(B)
Attorney Docket Number: :
2001P14059WOUS :
Title: REFRIGERATOR :

This is a decision on the petition filed on July 31, 2006, pursuant to 37 C.F.R. §1.137(b)[1], to revive the above-identified application.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed December 17, 2004, which set a shortened statutory period for reply of three months. A Notice of Appeal was received on June 20, 2005, but this failed to constitute a proper response. No additional 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 18, 2005. A notice of abandonment was mailed on July 19, 2006.

---

1 A grantable petition pursuant to 37 C.F.R. 1.137(b) must be accompanied by:
(1) The reply required to the outstanding Office action or notice, unless previously filed;
(2) The petition fee as set forth in § 1.17(m);
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
(4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

With the present petition, Petitioner has submitted the petition fee, an amendment, and the proper statement of unintentional delay. A terminal disclaimer is not required.

As such, the petition is **GRANTED.**

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the amendment, which was received with the present petition, can be processed.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225[2]. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

2 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. §1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).

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100 BOSCH BOULEVARD
NEW BERN NC 28562

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OCT 27 2009

OFFICE OF PETITIONS

In re Application of :
Hans BEER et al. :
Application No. 10/873,403 : DECISION ON PETITION
Filed: June 21, 2004 :
Attorney Docket No. :
2001P13024WOUS

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 27, 2009, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

This application became abandoned as a result of petitioner's failure to file a complete and proper appeal brief within the time period provided in 37 CFR 41.37(a)(1). As a complete and proper appeal brief was not filed within one (1) month of the Notification of Non-Compliance with 37 CFR 41.37(c)(1), mailed February 17, 2006, and no extensions of time under the provisions of 37 CFR 1.136(a) were obtained, the appeal was dismissed and the proceedings as to the rejected claims were terminated. See 37 CFR 1.197(b). As no claim was allowed, the application became abandoned on March 18, 2006. See MPEP 1215.04.

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 (3).

There are three periods to be considered during the evaluation of a petition under 37 CFR 1.137(b):

(1) the delay in reply that originally resulted in the abandonment;

(2) the delay in filing an initial petition pursuant to 37 CFR 1.137(b) to revive the application; and

(3) the delay in filing a grantable petition pursuant to 37 CFR 1.137(b) to revive the application.

Currently, the delay has not been shown to the satisfaction of the Director to be unintentional for periods (1) and (2).

As to Period (1):

The patent statute at 35 U.S.C. § 41(a)(7) authorizes the Director to revive an "unintentionally abandoned application." The legislative history of Public Law 97-247 reveals that the purpose of 35 U.S.C. § 41(a)(7) is to permit the Office to have more discretion than in 35 U.S.C. §§ 133 or 151 to revive abandoned applications in appropriate circumstances, but places a limit on this discretion, stating that "[u]nder this section a petition accompanied by either a fee of $500 or a fee of $50 **would not be granted where the abandonment** or the failure to pay the fee for issuing the patent **was intentional** as opposed to being unintentional or unavoidable." [emphasis added]. See H.R. Rep. No. 542, 97th Cong., 2d Sess. 6-7 (1982), *reprinted in* 1982 U.S.C.C.A.N. 770-71. The revival of an intentionally abandoned application is antithetical to the meaning and intent of the statute and regulation.

35 U.S.C. § 41(a)(7) authorizes the Director to accept a petition "for the revival of an unintentionally abandoned application for a patent." As amended December 1, 1997, 37 CFR 1.137(b)(3) provides that a petition under 37 CFR 1.137(b) must be accompanied by a statement that the delay was unintentional, but provides that "[t]he Commissioner may require additional information where there is a question whether the delay was

unintentional." Where, as here, there is a question whether the initial delay was unintentional, the petitioner must meet the burden of establishing that the delay was unintentional within the meaning of 35 U.S.C. § 41(a)(7) and 37 CFR 1.137(b). *See* In re Application of G, 11 USPQ2d 1378, 1380 (Comm'r Pats. 1989); 37 CFR 1.137(b). Here, in view of the inordinate delay (over 3 years) in resuming prosecution, there is a question whether the entire delay was unintentional. Petitioner should note that the issue is not whether some of the delay was unintentional by any party; rather, the issue is whether the entire delay has been shown to the satisfaction of the Director to be unintentional.

The question under 37 CFR 1.137(b) for period (1) is whether the delay on the part of the party having the right or authority to reply to avoid abandonment (or not reply) was unintentional. Accordingly, any renewed petition must clearly identify the party having the right to reply to avoid abandonment on March 18, 2006. That party, in turn must explain what effort(s) was made to further reply to the outstanding Office action and, further, why no reply was filed. If no effort was made to further reply, then that party must explain why the delay in this application does not result from a deliberate course of action (or inaction). Likewise, as BSH Home Appliances Corporation was counsel of record at the time of abandonment, the attorneys associated with customer number 46726 who were appointed on January 06, 2006, should explain why this application became abandoned while it was under their control and what efforts the attorneys made to further reply of itself and with whom this matter was discussed. Copies of any correspondence relating to the filing, or to not filing a further reply to the outstanding Office action are required from responsible person(s), involved with this application at the time of abandonment. Statements are required from the responsible person(s) having firsthand knowledge of the circumstances surrounding the lack of a reply to the outstanding Office action. As the courts have made clear, it is pointless for the USPTO to revive a long abandoned application without an adequate showing that the delay did not result from a deliberate course of action. *See* Lawman Armor v. Simon, 2005 U.S. Dist. LEXIS 10843, 74 USPQ2d 1633 (DC EMich 2005); Field Hybrids, LLC v. Toyota Motor Corp., 2005 U.S. Dist. LEXIS 1159 (D. Minn Jan. 27, 2005); Lumenyte Int'l Corp. v. Cable Lite Corp., Nos. 96-1011, 96-1077, 1996 U.S. App. LEXIS 16400, 1996 WL 383927 (Fed. Cir. July 9, 1996) (unpublished) (patents held unenforceable due to a finding of inequitable conduct in submitting an inappropriate statement that the abandonment was unintentional).

As to Period (2):

Likewise, where the applicant deliberately chooses not to seek or persist in seeking the revival of an abandoned application, or where the applicant deliberately chooses to delay seeking the revival of an abandoned application, the resulting delay in seeking revival of the abandoned application cannot be considered as "unintentional" within the meaning of 37 CFR 1.137(b). *See* MPEP 711.03(c).

The language of both 35 U.S.C. § 41(a)(7) and 37 CFR 1.137(b) are clear and unambiguous, and, furthermore, without qualification. That is, the delay in filing the reply during prosecution, as well as in filing the petition seeking revival, must have been, without qualification, "unintentional" for the reply to now be accepted on petition. The Office requires that the entire delay be at least unintentional as a prerequisite to revival of an abandoned application to prevent abuse and injury to the public. *See* H.R. Rep. No. 542, 97th Cong., 2d Sess. 7 (1982), reprinted in 1982 U.S.C.C.A.N. 771 ("[i]n order to prevent abuse and injury to the public the Commissioner . . . could require applicants to act promptly after becoming aware of the abandonment"). The December 1997 change to 37 CFR 1.137 did not create any new right to overcome an intentional delay in seeking revival, or in renewing an attempt at seeking revival, of an abandoned application. *See* Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53160 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 87 (October 21, 1997), which clearly stated that any protracted delay (here, over 3 years) could trigger, as here, a request for additional information. As the courts have since made clear, a protracted delay in seeking revival, as here, requires a petitioner's detailed explanation seeking to excuse the delay as opposed to USPTO acceptance of a general allegation of unintentional delay. *See* Lawman Armor v. Simon, 2005 U.S. Dist. LEXIS 10843, 74 USPQ2d 1633, at 1637-8 (DC EMich 2005); Field Hybrids, LLC v. Toyota Motor Corp., 2005 U.S. Dist. LEXIS 1159 (D. Minn Jan. 27, 2005) at *21-*23. Statements are required from person(s) having firsthand knowledge of the circumstances surrounding the protracted delay, after the abandonment date, in seeking revival.

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.

Any renewed petition may be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

Correspondence regarding this decision may also be filed through the electronic filing system of the USPTO.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-2783.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

RAM Fee History Query

Revenue Accounting and Management

Name/Number: 10873403 Total Records Found: 7

Start Date: Any Date End Date: Any Date

Accounting Date	Sequence Num.	Fee Type	Fee Code	Fee Amount	Mailroom Date	Payment Method
05/27/2009	00000150	1	1453	$1,620.00	05/27/2009	DA 502786
12/05/2005	00000073	1	1251	$120.00	12/05/2005	DA 502786
12/05/2005	00000074	1	1402	$500.00	12/05/2005	DA 502786 Appeal
09/14/2005	00000071	1	1401	$500.00	09/13/2005	DA 502786 Notice of App
03/16/2005	00000091	4	8021	$40.00	03/16/2005	DA 502786
07/19/2004	00000128	1	1051	$130.00	07/19/2004	CC
06/25/2004	00000034	1	1001	$770.00	06/21/2004	CC

Notification of Non-Compliant Appeal Brief (37 CFR 41.37)	Application No.	Applicant(s)	
	10/873,403	BEER ET AL.	
	Examiner	Art Unit	
	Joseph L. Perrin, Ph.D.	1746	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on *05 December 2005* is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file anamended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☒ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.

2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).

3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).

4. ☐ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).

5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi))

6. ☒ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).

7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).

8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).

9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).

10. ☒ Other (including any explanation in support of the above items):

Regarding item 1., the brief does not contain the following items in accordance with 37 CFR 41.37(c):

(v) Summary of claimed subject matter;
(vi) Grounds of rejection to be reviewed on appeal;
(ix) Evidence appendix; and
(x) Related proceedings appendix.

Regarding item 6., under the Argument section the brief does not present an argument under a separate heading for each ground of rejection on appeal.

/Joseph L. Perrin, Ph.D./
Primary Examiner
Art Unit: 1746

Communication Re: Appeal	Application No.	Applicant(s)	
	10/873,403	BEER ET AL.	
	Examiner	Art Unit	
	Joseph L. Perrin, Ph.D.	1746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

1. ☐ The Notice of Appeal filed on _____ is not acceptable because:

   (a) ☐ it was not timely filed.

   (b) ☐ the statutory fee for filing the appeal was not submitted. See 37 CFR 41.20(b)(1).

   (c) ☐ the appeal fee received on _____ was not timely filed.

   (d) ☐ the submitted fee of $_____ is insufficient. The appeal fee required by 37 CFR 41.20(b)(1) is $_____.

   (e) ☐ the appeal is not in compliance with 37 CFR 41.31(a)(1) in that no claim has been twice rejected.

   (f) ☐ a Notice of Allowability, PTO-37, was mailed by the Office on _____.

2. ☐ The appeal brief filed on _____ is NOT acceptable for the reason(s) indicated below:

   (a) ☐ the brief and/or brief fee is untimely. See 37 CFR 41.37(a).

   (b) ☐ the statutory fee for filing the brief has not been submitted. See 37 CFR 41.20(b)(2).

   (c) ☐ the submitted brief fee of $_____ is insufficient. The brief fee required by 37 CFR 41.20(b)(2) is $_____.

The appeal in this application will be dismissed unless corrective action is taken to timely submit the brief and requisite fee. See 37 CFR 41.37(a)(1). Extensions of time may be obtained under 37 CFR 1.136(a). See 37 CFR 41.37(e).

3. ☒ The appeal in this application is DISMISSED because:

   (a) ☐ the statutory fee for filing the brief as required under 37 CFR 41.20(b)(2) was not timely submitted and the period for obtaining an extension of time to file the brief under 37 CFR 1.136(a) has expired.

   (b) ☐ the brief was not timely filed and the period for obtaining an extension of time to file the brief under 37 CFR 1.136(a) has expired.

   (c) ☐ a Request for Continued Examination (RCE) under 37 CFR 1.114 was filed on _____.

   (d) ☒ other: *In accordance with MPEP 1205.03, the appeal is dismissed because applicant filed an amended brief which does not overcome all the reasons for noncompliance of which the appellant was notified. Specifically, applicant did not overcome the reasons for noncompliance on 17 February 2006 indicated for item 1 (see also appeal brief requirements under 37 CFR 41.37(c)).*

4. ☒ Because of the dismissal of the appeal, this application:

   (a) ☒ is abandoned because there are no allowed claims.

   (b) ☐ is before the examiner for final disposition because it contains allowed claims. Prosecution on the merits remains CLOSED.

   (c) ☐ is before the examiner for consideration.

JOSEPH L. PERRIN, PH.D.
PRIMARY EXAMINER

Item 7 - Other reasons for holding abandonment: In accordance with MPEP 1205.03, the appeal is dismissed because applicant filed an amended brief which does not overcome all the reasons for noncompliance of which the appellant was notified. Specifically, applicant did not overcome the reasons for noncompliance on 17 February 2006 indicated for item 1 (see also appeal brief requirements under 37 CFR 41.37(c)).

Subsequently, in accordance with MPEP 1215.04, since the appeal brief is dismissed for reasons above, the time period for reply to the Notice of Appeal filed 13 September 2005 has expired, and no claims have been indicated allowable, the application is abandoned..

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NEW BERN NC 28562

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In re Application of :
Hans BEER et al. :
Application No. 10/873,403 : DECISION ON PETITION
Filed: June 21, 2004 :
Attorney Docket No. **2001P13024WOUS** :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed December 11, 2009, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned as a result of petitioner's failure to file a complete and proper appeal brief within the time period provided in 37 CFR 41.37(a)(1). As a complete and proper appeal brief was not filed within one (1) month of the Notification of Non-Compliance with 37 CFR 41.37(c)(1), mailed February 17, 2006, and no extensions of time under the provisions of 37 CFR 1.136(a) were obtained, the appeal was dismissed and the proceedings as to the rejected claims were terminated. See 37 CFR 1.197(b). As no claim was allowed, the application became abandoned on March 18, 2006. See MPEP 1215.04.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an appeal brief, (2) the petition fee of $1620, and (3) a proper statement of unintentional delay. Accordingly, the reply to the final Office Action of June 24, 2005 is accepted as having been unintentionally delayed.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results

in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at (571) 272-2783.

This application is being referred to Technology Center AU 1746 for appropriate action by the Examiner in the normal course of business on the reply received.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

8-23-07

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. : 7,162,207 B2
Inventors : Mikko Kurula, et. al.
Issued : January 9, 2007
Title : SYSTEM APPARATUS, METHOD AND COMPUTER PROGRAM FOR PRODUCING SIGNALS FOR TESTIN RADIO FREQUENCY COMMUNICATION DEVICES
Docket No. : 187-82

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.

Granting of a petition under 37 CFR 1.183, requesting the requirements of 37 CFR 3.81 to be waived, is required to correct applicant's error in the Assignee. Such a petition is required, when the *correct* assignee's name *and/or* address *was not provided* in accordance with either section 3.81(a) or (b) (either no data or an incorrect data, i.e. typographical, misspelling, ...), was provided in item 5 of the Issue Fee Transmittal (PTOL-85b), when the assignment had been recorded or submitted for recordation at the time the issue fee was paid or when an incorrect name was provided in the petition required by section 3.81(b) when the assignment submitted for recording after the date of payment of the issue fee, but prior to issuance of the patent). 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 petition to correct the Assignee under 37 CFR 1.183 should include:

(1) the petition fee set forth in 37 CFR 1.117(h) (currently $130);
(2) the correct name and address of the assignee; and
(3) the reel and frame number where the assignment(s) is recorded or proof of the date the assignment was submitted for recordation.

Any petition under 37 CFR 1.183 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

Box DAC
Washington, D.C. 20231

By Fax: (703) 308-6916
Attn.: Office of Petitions

If the petition under 37 CFR 1.183 is filed and granted, the patentee would be entitled to a certificate of correction under 37 CFR 1.323 (required fee currently $100, if not previously submitted), due to the mistake in not complying with CFR 3.81; and if it is requested in the "Petition", that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificates of Correction.

Eva James
For Cecelia Newman
Decisions & Certificates
of Correction Branch
(703) 305-8309 or (703) 305-8793

Rod S. Turner
Hoffman & Baron, LLP
6900 Jericho Turnpike
Syosset, New York, 11791

ej

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Commissioner for Patents
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JUL 18 2008

HOFFMANN & BARON, LLP
6900 JERICHO TURNPIKE
SYOSSET NY 11791

Patent No. 7,162,207
Issue Date: 9 January, 2007
In re Application of
Kursula, et al.
Application No. 10/873,406
Filed: 31 June, 2004
Attorney Docket No. 187-82

ON PETITION

This is a decision on the petition, filed on 31 December 2007, which is being treated as a petition requesting that the requirement(s) of 37 C.F.R. §1.323 and 37 C.F.R. §3.81 be waived or suspended pursuant to 37 C.F.R. §1.183 in order to permit the issuance of a certificate of correction in the name of the assignee (as of the date of issue) and following the error of the assignee in setting forth said information in the Form PTO-85B.

The Office regrets the delay in addressing this matter, however, the instant petition was presented to the attorneys in the Office of Petitions only at this writing.

The requirement(s) of 37 C.F.R. §1.323 and 37 C.F.R. §3.81 may be waived or suspended pursuant to 37 C.F.R. §1.183, upon payment of the fee set forth at 37 C.F.R. §1.17(f), in order to permit the issuance of a certificate of correction in the name of the assignee (as of the date of issue) and following the error of the assignee in setting forth said information in the Form PTO-85B upon payment of the fee set forth at 37 C.F.R. §1.20(a).

The petition seeking suspension/waiver of the requirement(s) of 37 C.F.R. §1.323 and 37 C.F.R. §3.81 be waived pursuant to 37 C.F.R. §1.183, is **GRANTED**.

LAW AND ANALYSIS

The regulations at 37 C.F.R. §1.183 provide that in an extraordinary situation, when justice requires, any requirement of the regulations which is not a requirement of the statutes may be suspended or waived by the Commissioner.

The regulations at 37 C.F.R. §3.81 set forth the procedure applicable therein:

> **§ 3.81 Issue of patent to assignee.**
>
> ***
>
> (b) *After payment of the issue fee:* An application may issue in the name(s) of the assignee(s) consistent with the application's assignment where a request for such issuance along with the processing fee set forth in § 1.17(I) of this chapter is submitted after the date of payment of the issue fee, but prior to issuance of the patent, provided the assignment has been previously recorded in the Office. If the assignment has not been previously recorded, the request should be accompanied by the assignment and either a direction to record the assignment in the Office pursuant to § 3.28, or a statement under § 3.73(b).
> (c) *Partial assignees.*
>
> ***
>
> (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. (Emphasis supplied.)

The commentary at MPEP §1481.01 provides that:

> ***
>
> 1481.01 Correction of Assignees' Names [R-3]
>
> ***
>
> Any request for the 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:
> (A) state that the assignment was submitted for recordation as set forth in 37 C.F.R. §3.11 before issuance of the patent;
> (B) include a request for a certificate of correction under 37 C.F.R. §1.323 along with the fee set forth in 37 C.F.R. §1.20(a); and
> (C) include the processing fee set forth in 37 C.F.R. §1.17(i).
> See 37 C.F.R. §3.81(b).

The regulations at 37 C.F.R. §1.323 set forth the procedures applicable therein:

> **§ 1.323 Certificate of correction of applicant's mistake.**
> 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.

Petitioner has evidenced that the assignment in question was recorded at Reel/Frame 016646/0115 on 2 June, 2005, to assignee ELEKTROBIT TESTING OY.

CONCLUSION

The petition is **granted**; the applicable fees are charged as authorized by Petitioner to Deposit Account 08-2461.

This file is released to the Certificate of Corrections Branch for processing in due course a Certificate of Correction in the form and substance as sought by Petitioner.

Petitioner should direct all further inquiries regarding the processing of this matter to the Certificate of Corrections Branch.

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[1]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's/Caller's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

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[1] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

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Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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APR 2 0 2006

OFFICE OF PETITIONS

BSH HOME APPLIANCES CORPORATION
100 BOSCH BLVD
NEW BERN NC 28562

In re Application of :
Cuppari, et al. :
Application No. 10/873,428 : DECISION REFUSING STATUS
Filed: June 21, 2004 : UNDER 37 CFR 1.47(a)
Attorney Docket No. 2001P16164WOUS :

This is in response to the "RESPONSE TO NOTICE OF INCOMPLETE REPLY", filed February 11, 2005, which is being treated as a petition under 37 CFR 1.47(a). The petition was recently forwarded to the Office of Petitions for consideration.

The petition under 37 CFR 1.47(a) is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **Failure to respond will result in abandonment of the application**. Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed on June 21, 2004, without an executed oath or declaration. Accordingly, on August 9, 2004, the Office mailed a Notice to File Missing Parts of Nonprovisional Application, requiring an executed oath or declaration together with a surcharge for its late filing. This Notice set a two month period for reply. On January 13, 2005, applicant filed an oath, made timely by obtaining a three month extension of time and by including a Certificate of Mailing dated January 10, 2005. However, the oath lacked the signature of inventor Wlodarczyk. In addition, the Notice instructed applicant to submit the surcharge for late filing of the declaration. Accordingly, the Office mailed a Notice of Incomplete Reply on February 3, 2005.

In reply, applicant filed the instant petition on February 11, 2005, and paid the surcharge for late filing of the declaration. The petition and declaration were made timely by obtaining a four month extension of time.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached after diligent effort or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims, drawings, oath or declaration); (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. Rule 47 applicant has not met requirement (1) above.

Here, applicant has not demonstrated diligent effort in finding the non-signing inventor. With respect to showing diligent effort, "an affidavit or declaration of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made."[1] Here, Rule 47 applicant states that a letter was mailed to the last known address of Wlodarczyk, but was returned by the German postal service because it was undeliverable. Knowing that Wlodarczyk is no longer at that residence, Rule 47 applicant has not provided any information of the steps taken to subsequently locate him. Applicant has provided no documentary evidence, such as a copy of an internet search, to support such a finding[2].

The $200 fee for a petition pursuant to 37 CFR 1.47 has been charged to Deposit Account No. 50-2786, as authorized.

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

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[1] MPEP 409.03(d).

[2] Such documentary evidence should be made part of the affidavit or declaration. See id.

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In re Application of :
Cuppari, et al. :
Application No. 10/873,428 : DECISION ACCORDING STATUS
Filed: June 21, 2004 : UNDER 37 CFR 1.47(a)
Attorney Docket No. 2001P16164WOUS :

This is in response to the "REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 CFR 1.47(a)", filed July 24, 2006.

The petition under 37 CFR 1.47(a) is **GRANTED**.

The above-identified application was filed on June 21, 2004, without an executed oath or declaration. Accordingly, on August 9, 2004, the Office mailed a Notice to File Missing Parts of Nonprovisional Application, requiring an executed oath or declaration together with a surcharge for its late filing. This Notice set a two month period for reply. On January 13, 2005, applicant filed an oath, made timely by obtaining a three month extension of time and by including a Certificate of Mailing dated January 10, 2005. However, the oath lacked the signature of inventor Wlodarczyk. In addition, the Notice instructed applicant to submit the surcharge for late filing of the declaration. Accordingly, the Office mailed a Notice of Incomplete Reply on February 3, 2005. Applicant filed a petition under 37 CFR 1.47(a) on February 11, 2005. However, the petition was dismissed in a decision mailed on April 20, 2006.

In reply, applicant filed the instant request for reconsideration on July 24, 2006, made timely by obtaining a one month extension of time and including a Certificate of Mailing dated July 20, 2006.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached after diligent effort or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims, drawings, oath or declaration); (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.

With the instant request for reconsideration, Rule 47 applicant has established that a diligent effort was made to locate non-signing inventor Wlodarczyk.

Accordingly, the above-identified application is hereby accorded Rule 1.47(a) status.

Pursuant to 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the last known addresses given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The matter is being forwarded to Group Art Unit 1724 to await applicants' reply to the Office action mailed July 17, 2006.

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

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SVEN WLODARCZYK
MORGENSTR 29
KARLSRUHE GERMANY 76137

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OCT 16 2006

OFFICE OF PETITIONS

In re Application of :
Fabiana Cuppari, Egon Feisthammel, :
Dieter Rosmann, Sven Wlodarczyk :
Application No. 10/873,428 :
Filed: June 21, 2004 : LETTER
Title: Securing Device for a Filter Element

Dear Mr. Wlodarczyk:

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

Craig J. Loest
BSH Home Appliances Corp.
100 Bosch Blvd
New Bern, NC 28562
phone: 252-672-7930

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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QUALCOMM INCORPORATED
5775 MOREHOUSE DR.
SAN DIEGO, CA 92121

Mail Date: 04/20/2010

Applicant	: Abhay A. Joshi	: DECISION ON REQUEST FOR
Patent Number	: 7602840	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/873,431	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/21/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1295** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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Kenneth D. Sibley
Myers Bigel Sibley & Sajovec, P.A.
P. O. Box 37428
Raleigh, NC 27627

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In re Application of	:	
Barrangou, et. al.	:	DECISION ON REQUEST
Application No. 10/873,467	:	TO WITHDRAW FROM
Filed: June 22, 2004	:	RECORD
Attorney Docket No. 5051-691	:	

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 by facsimile transmission on August 1, 2005.

The request to withdraw as attorney or agent is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to all the attorneys or agents associated with Customer No. 20792 have been revoked by the assignee of the patent application, on August 23, 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 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: ALSTON & BIRD, LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 4-10-07 **Paper No.:** _____

TO SPE OF : **Technology Center** 2816 10/873512

SUBJECT : Request for Certificate of Correction on Patent No.: 6919756 B2

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Palm location **7580, Certificates of Correction Branch – South Tower – 9A22**
If response is for an IFW, **return to employee (named below) via PUBSCofC Team in MADRAS.**

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction (COCIN)? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Elisha Evans
Certificates of Correction Branch
Tel. No. 703-308-9390 EXT 110

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

- ☒ **Approved** — All changes apply.
  JZ
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments:

N. DREW RICHARDS
~~SUPERVISORY PATENT EXAMINER~~
SPE

2816
Art Unit

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MICHAEL BEST & FRIEDRICH LLP
Two Prudential Plaza
180 North Stetson Avenue, Suite 2000
CHICAGO, IL 60601

Mail Date: 04/21/2010

Applicant	: James Joseph Britto	: DECISION ON REQUEST FOR
Patent Number	: 7569031	: RECALCULATION of PATENT
Issue Date	: 08/04/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/873,520	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/22/2004	: 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.

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RAPKIN, GITLIN & BEAUMONT
21650 OXNARD STREET
SUITE 1620
WOODLAND HILLS, CA 91367-4620

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OFFICE OF PETITIONS

In re Application of :
James H. May, Jr. :
Application No. 10/873,526 : ON PETITION
Filed: June 23, 2004 :
Attorney Docket No. G-3209 :

This is a decision in response to the petition, filed November 29, 2007, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **DISMISSED**.

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 Director may require additional information. See MPEP 711.03(c)(II)(C) and (D).

The petition fails to comply with item (2) above. In this regard, the amendment included with the petition is considered non-responsive, since it does not place the application in condition for allowance. See the attached Advisory Action. The proposed reply required for consideration of a petition to revive this application must be a Notice of Appeal (and appeal fee required by 37 CFR 1.17(b)), an amendment that *prima facie* places the application in condition for allowance, or the filing of a submission under 37 CFR 114 (RCE) or a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2).

This decision is made without prejudice to reconsideration. However, any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request

[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.

should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)" and the required reply as noted above.

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

Attachment: Advisory Action

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/873,526	Applicant(s) MAY, JAMES H.	
	Examiner Jianchun Qin	Art Unit 2837	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 29 November 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☒ The period for reply expires *3* months from the mailing date of the final rejection.
   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: *See 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: *1-21*.
   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: _____.

/Lincoln Donovan/
SPE AU 2837

Continuation of 3. NOTE: The proposed claim 1 requiring "one or more percussion pad members, each of said percussion pad members comprised of a percussion member with an upper playing surface and a bottom surface, each of said upper playing surfaces, when struck, having response characteristics that duplicate the playing surface response characteristics of conventional percussion instruments, comprised of one or more snare drums, tom-toms, bass drums or cymbals, and a magnetized pad affixed to said bottom surface of said percussion members for magnetic coupling with said top surface of one of said metal base members" raises a new issue to claims 1-21 which would require further search and consideration.

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WOODLAND HILLS, CA 91367-4620

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OFFICE OF PETITIONS

In re Application of :
James H. May, Jr. :
Application No. 10/873,526 : ON PETITION
Filed: June 23, 2004 :
Attorney Docket No. G-3209 :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed May 15, 2008, to revive the above-identified application.

The petition is **GRANTED**.

A review of the record discloses that this application became abandoned for failure to timely reply within the meaning of 37 CFR 1.113 to the final Office action, mailed June 9, 2006. A Notice of Abandonment was mailed on June 8, 2007. On November 29, 2007 a petition to revive under 37 CFR 1.137(b) was filed; however, the petition was dismissed in a decision mailed April 3, 2008. In response, on May 15, 2008, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $405, (2) the petition fee of $770, and (3) an adequate statement of unintentional delay.

The application is being referred to Technology Center AU 2837 for processing of the RCE submitted on May 15, 2008 in accordance with 37 CFR 1.114.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK, NJ 08933-7003

Mail Date: 04/20/2010

Applicant	: John R. Carson	: DECISION ON REQUEST FOR
Patent Number	: 7589103	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/873,527	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/22/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **670** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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Wong Cabello Lutsch Rutherford & Brucculeri LLP
20333 Tomball Parkway, 6th Floor
Houston TX 77070

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JUN 29 2010

OFFICE OF PETITIONS

In re Patent of Tornetta et al.	:	DECISION ON REQUEST
Patent No. 7,623,519	:	FOR RECONSIDERATION OF
Issue Date: November 24, 2009	:	PATENT TERM ADJUSTMENT
Application No. 10/873,547	:	AND NOTICE OF INTENT TO
Filing Date: June 21, 2004	:	ISSUE CERTIFICATE OF
Attorney Docket No. 112-0273US	:	CORRECTION

This is a decision on the petition filed on January 18, 2010, which is being treated as a petition under 37 C.F.R. § 1.705(d) requesting the patent term adjustment indicated on the patent be corrected to indicate the term of the patent is extended or adjusted by one thousand four hundred sixty-seven (1467) days.

The petition to correct the patent term adjustment indicated on the patent to indicate the term of the patent is extended or adjusted by one thousand four hundred sixty-seven (1467) days is **GRANTED to the extent indicated herein**.

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 C.F.R. § 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under 37 C.F.R. § 1.136.

Applicants assert the period of delay under 35 U.S.C. § 154(b)(1)(A) ("A Delay") is 669 days. However, applicants fail to include the 134 day time period from June 22, 2007 to October 17, 2007, as part of the period for A Delay. The total period of A Delay is 803 days based on the preceding discussion.

Applicants assert the period of delay under 35 U.S.C. § 154(b)(1)(B) ("B Delay") is 887 days. Pursuant to 35 U.S.C. § 154(b)(1)(B)(ii), B Delay does not include any time period consumed by appellate review. Therefore, B Delay does not include the 184 days consumed by appellate review as a result of the Notice of Appeal filed March 18, 2009. B Delay is 703 days after removal of the time period consumed by appellate review.

With respect to the period of adjustment for the Office taking in excess of three years to issue the patent, 35 U.S.C. § 154(b)(2)(A) limits Office delay to the sum of delay under A Delay and B

Delay to the extent such periods of delay are not overlapping. The office has determined the period of overlapping delay is 16 days.

In view of the prior discussion, the patent term is 1401 days, which is the sum of 803 days of A Delay and 703 days of B Delay reduced by 16 days of overlapping delay and reduced by 89 days of applicant delay.

The Office acknowledges submission of the $200.00 fee set forth in 37 C.F.R. § 1.18(e). No additional fees are required.

The application is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the patent is extended or adjusted by **one thousand four hundred one (1401)** days.

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO.	:	7,623,519 B2
APPLICATION NO.	:	10/873,547
DATED	:	November 24, 2009
INVENTOR(S)	:	Anthony G. Tornetta 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 Title page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 798 days.

Delete the phrase "by 798 days" and insert -- by 1401 days--

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MAR 3 1 2008

In re Application	:	
Randall J. Lujan	:	
Application No. 10/873,557	:	DECISION ON APPLICATION
Filed: June 22, 2004	:	FOR PATENT TERM ADJUSTMENT
Atty Docket No. IZ-200401-001-1	:	

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT DETERMINATION UNDER 37 C.F.R. § 1.705(b)", filed January 17, 2008. Applicant requests that the initial determination of patent term adjustment under 35 U.S.C. 154(b) be increased from the currently accorded two hundred forty (240) days to two hundred forty-two (242) 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 forty-two (242) days**. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On October 11, 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 forty (240) days. On January 17, 2008, Applicant timely[1] submitted the instant application for patent term adjustment.

[1] Applicant filed the application for patent term adjustment together with the payment of the issue fee.

Applicant fails to state whether the patent issuing from the application is subject to a terminal disclaimer.

The Office initially determined a patent term adjustment of two hundred forty (240) days based on an adjustment of two hundred forty (240) days of PTO delay 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. The adjustment of 240 days has been reviewed and found to be correct.

However, as pointed out by applicant, there should have been two other adjustments - one for PTO delay, and one for applicant delay. Applicant filed an RCE on June 11, 2007, in response to a final Office action mailed on March 7, 2007. Accordingly, pursuant to 37 C.F.R. § 1.704(b), four (4) days of applicant delay should have been assessed. In response to the June 11, 2007 RCE, the Office mailed a Notice of Allowance on October 17, 2007. As this was not within four months, six (6) days of PTO delay should have been assessed pursuant to 37 C.F.R. § 1.703(a)(3).

In view thereof, the correct determination of patent term adjustment at the time of the mailing of the Notice of Allowance is **two hundred forty-two (242) days** (246 (240+6) days of PTO delay, reduced by 4 days of applicant delay).

Receipt of the $200 fee set forth in 37 C.F.R. § 1.18(e) is acknowledged.

The application 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 Petitions Attorney
Office of Petitions

Enc: updated PAIR screen

Day : Monday
Date: 3/31/2008

PALM INTRANET

Time: 09:41:29

PTA Calculations for Application: 10/873557			
Application Filing Date:	06/22/2004	PTO Delay (PTO):	240
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	0
Post-Issue Petitions:	0	Total PTA (days):	242
PTO Delay Adjustment:	2		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
52	03/31/2008	ADJUSTMENT OF PTA CALCULATION BY PTO		4	
51	03/31/2008	ADJUSTMENT OF PTA CALCULATION BY PTO	6		
43	10/17/2007	MAIL NOTICE OF ALLOWANCE			
42	10/17/2007	MAIL EXAMINER'S AMENDMENT			
41	10/15/2007	ISSUE REVISION COMPLETED			
40	10/15/2007	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
39	06/26/2007	ALLOWED CASE RETURNED TO THE EXAMINER FOR CLERICAL PROCESSING			
38	06/26/2007	DOCUMENT VERIFICATION			
37	06/25/2007	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
36	06/25/2007	EXAMINER'S AMENDMENT COMMUNICATION			
35	06/25/2007	NOTICE OF ALLOWABILITY			
34	06/18/2007	DATE FORWARDED TO EXAMINER			
33	06/11/2007	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
32	06/18/2007	DATE FORWARDED TO EXAMINER			
31	06/11/2007	REQUEST FOR CONTINUED EXAMINATION (RCE)			
30	06/18/2007	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
29	06/11/2007	WORKFLOW - REQUEST FOR RCE - BEGIN			
28	03/07/2007	MAIL FINAL REJECTION (PTOL - 326)			
27	03/05/2007	FINAL REJECTION			
26	12/07/2006	DATE FORWARDED TO EXAMINER			
25	11/24/2006	RESPONSE AFTER NON-FINAL ACTION			
24	08/28/2006	MAIL NON-FINAL REJECTION			

23	08/21/2006	NON-FINAL REJECTION			
22	05/23/2006	DATE FORWARDED TO EXAMINER			
21	05/18/2006	RESPONSE TO ELECTION / RESTRICTION FILED			
20	04/19/2006	MAIL RESTRICTION REQUIREMENT	240		-1
19	04/17/2006	REQUIREMENT FOR RESTRICTION / ELECTION			
18	02/08/2005	CASE DOCKETED TO EXAMINER IN GAU			
17	09/20/2004	NEW OR ADDITIONAL DRAWING FILED			
16	09/20/2004	NEW OR ADDITIONAL DRAWING FILED			
15	10/15/2004	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
14	10/15/2004	CASE DOCKETED TO EXAMINER IN GAU			
13	08/07/2004	APPLICATION RETURN FROM OIPE			
12	08/09/2004	APPLICATION IS NOW COMPLETE			
11	08/09/2004	PRE-EXAM OFFICE ACTION WITHDRAWN			
10	08/07/2004	APPLICATION RETURN TO OIPE			
9	08/07/2004	APPLICATION RETURN FROM OIPE			
8	08/09/2004	APPLICATION IS NOW COMPLETE			
7	08/07/2004	APPLICATION RETURN TO OIPE			
6	08/07/2004	APPLICATION DISPATCHED FROM OIPE			
5	08/09/2004	APPLICATION IS NOW COMPLETE			
4	08/02/2004	CLEARED BY OIPE CSR			
3	08/02/2004	CASE CLASSIFIED BY OIPE			
2	07/16/2004	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	06/22/2004	INITIAL EXAM TEAM NN			

Search Another: Application# Search

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

To go back, right click here and select Back. To go forward, right click here and select Forward. To refresh, right click here and select Refresh.

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In re Patent No. 7,094,134	:	DECISION ON REQUEST
Issued: August 22, 2006	:	FOR RECONSIDERATION
Application No. 10/873,558	:	OF PATENT TERM ADJUSTMENT
Filed: June 22, 2004	:	NOTICE OF INTENT TO ISSUE
Attorney Docket No. IZ-20401-002-1	:	CERTIFICATE OF CORRECTION

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT DETERMINATION UNDER 37 CFR 1.705(d)," filed October 20, 2006. Patentee requests that the patent term adjustment for the above-identified patent be set at two hundred fifty-five (255) days.

The request for reconsideration of the patent term adjustment indicated in the patent 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 two hundred fifty-five **(255)** days.

On August 22, 2006, Application No. 10/873,558 matured into Patent No. 7,094,134. The instant request for reconsideration filed October 20, 2006, was timely filed within two (2) months of the date the patent issued. See § 1.705(d). Patentee requests entry of a period of adjustment of 255 days on the basis that the projected issue date of the patent is four months and 257 days after the date of payment of the issue fee (257 days of Office delay reduced by 2 days of applicant delay). In addition, patentee states that the reduction of 120 days from this patent after the payment of the issue fee is erroneous.

Specifically, patentee asserted that on August 8, 2005, he submitted the issue fee payment and a duplicate copy of the drawings originally filed on September 20, 2004. Patentee notes that the Notice of Allowability mailed May 6, 2005, accepted the drawings presented on filing of the application on June 22, 2004, rather than the replacement drawings filed September 20, 2004.

A review of the PALM calculations for this application reveals that the patent term adjustment was reduced by 120 days for the submission of drawings after the mailing of the Notice of Allowance. See 37 CFR 1.704(c)(10). However, a review of the application record confirms that the drawings filed on August 8, 2005, were indeed a duplicate copy of the drawings filed on September 20, 2004. Under the circumstances of this case, the filing of the duplicate drawings is not deemed to be failure to engage in reasonable efforts to conclude prosecution of the application, within the meaning of the 37 CFR 1.704(c)(10).

In view thereof, the patent term adjustment indicated in the patent should have been two hundred fifty-five **(255)** days.

Receipt is acknowledged of the $200.00 fee set forth in 37 CFR 1.18(e).

This matter is being referred to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify this error. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by TWO HUNDRED FIFTY-FIVE **(255)** days.

Telephone inquiries specific to this matter should be directed to Christina Tartera Donnell, Senior Petitions Attorney, at (571) 272-3211.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

DRAFT

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,094,134 B2

DATED : August 22, 2006

INVENTOR : Randall J. Lujan

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 (135) days

Delete the phrase "by 135 days" and insert – by 255 days--

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TECHNOLOGY CENTER 2600

PERKINS COIE LLP/AWS
P.O. BOX 1247
SEATTLE WA 98111-1247

In re Application of :
Siavash ALAMOUTI, et al. :
Application No. 10/873,567 : DECISION ON PETITION
Filed: June 22, 2004 : TO MAKE SPECIAL
For: TRANSMITTER DIVERSITY TECHNIQUE :
FOR WIRELESS COMMUNICATIONS :

This is a decision on the petition filed September 29, 2004, under 37 CFR §1.102(d) to make the application special and treated as pursuant to MPEP §708.02, section II (Infringement).

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

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CROMPTON, SEAGER & TUFTE, LLC
1221 NICOLLET AVENUE
SUITE 800
MINNEAPOLIS, MN 55403-2420

Mail Date: 04/21/2010

Applicant	: Huey Quoc Chan	: DECISION ON REQUEST FOR
Patent Number	: 7662144	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/873,585	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/22/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **259** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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Mail Date: 04/21/2010

Applicant	: Dae-Sik Oh	: DECISION ON REQUEST FOR
Patent Number	: 7574230	: RECALCULATION of PATENT
Issue Date	: 08/11/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/873,588	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/21/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1002** 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.

09 JUN 2005

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Daniel L. Boots
2700 Market Tower
10 West Market Street
Indianapolis, IN 46204-4900

In re Application of :
Taylor :
Application No.: 10/873,597 :
Filing Date: 21 June 2004 : DECISION
Attorney Docket No.: 9113-56927 :
For: Socket Preform/Adapter Combination For :
Prosthetic Device And Method Of Manufacture :

This is in response to the renewed petition under 37 CFR 1.137(b) filed 09 August 2004.

DISCUSSION

On 02 August 2004, a decision on the petition under 37 CFR 1.137(b) filed on 21 June 2004 was mailed to counsel, and referenced application number 10/500,236. The petition was dismissed without prejudice because the required reply (in the form of the basic national fee) had not been provided.

Review of the record reveals that the petition filed on 21 June 2004 accompanied the filing of the instant application, no. 10/873,597. Counsel is advised that application no. 10/500,236, to which the decision mailed on 02 August 2004 was directed, was created in error and has been deactivated. All further correspondence regarding this application should be directed to the correct application number, 10/873,597.

The USPTO has adopted a bright-line test for determining whether application papers will be processed under 35 U.S.C. 371 or alternatively under 35 U.S.C. 111(a). Under this standard, any intended filing of an international application as a national stage application must clearly and unambiguously be identified as such and must satisfy all of the conditions set forth in 35 U.S.C. 371(c). The official PTO Notice published in the Official Gazette at 1077 OG 13 entitled "Minimum Requirements for Acceptance of Applications Under 35 U.S.C. 371 (the National Stage of PCT)" states, in part, the following:

> The Patent and Trademark Office is continuing to receive application papers which do not clearly identify whether the papers (1) are being submitted to enter the national stage of the Patent Cooperation Treaty (PCT) under 35 U.S.C. 371 or (2) are being filed as a regular national application under 35 U.S.C. 111.
>
> To clearly indicate an international application is being filed under 35 U.S.C. 371 the applicant should use the "Transmittal Letter for United States Designated Office" (Form PTO-1390) as the transmittal letter.
>
> Alternatively, one of the following indications may be used:
>
> 1) the applicant shall clearly state in the transmittal or cover letter that he or she is filing under 35 U.S.C. 371 or entering the national stage under PCT; or

> 2) the applicant clearly identifies in the oath or declaration the specification to which it is directed by referring to a particular international application by PCT Serial Number and International Filing Date and that he or she is executing the declaration as, and seeking a U.S. Patent as, the inventor of the invention described in the identified international application.

Inspection of the instant application file reveals that the transmittal letter filed on 21 June 2004 was specifically intended "only for new nonprovisional applications under 37 CFR 1.53(b)," that counsel paid a "utility filing fee" for an application under 35 U.S.C. 111(a), that the first sentence of the specification indicated that this application "claims priority of" the international application. All of these facts indicate that applicant intended this application to be processed under 35 U.S.C. 111(a) rather than to be treated as a national stage application under 35 U.S.C. 371. Meanwhile, the petition filed on 21 June 2004 referred to "The proper reply (the missing 35 U.S.C. 371(c) requirement(s)) in the form of payment of national fee," which suggests an intent to treat the application under 35 U.S.C. 371. In view of these conflicting instructions, there was no clear overall indication that the papers were intended to be processed under 35 U.S.C. 371 rather than 35 U.S.C. 111(a), and therefore the application was properly processed under 35 U.S.C. 111(a). Applicants have not advanced any substantial reason (e.g., loss of rights) to change the status of this application to the status of a national stage application under 35 U.S.C. 371. It appears that maintaining the present status of this application under 35 U.S.C. 111(a) will not result in any loss of rights to applicants.

The petition under 37 CFR 1.137(b) is being treated as a petition to revive international application no. PCT/US02/34050 with respect to the United States, for purposes of establishing co-pendency with the instant application.

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed; (2) the petition fee as set forth in § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Regarding requirement (1), the required reply in the form of the instant application under 35 U.S.C. 111(a) was filed on 21 June 2004.

Regarding requirement (2), the petition fee was filed on 21 June 2004.

Regarding requirement (3), the petition includes an appropriate statement.

Regarding requirement (4), no terminal disclaimer is required because the international filing date of this application is later than 8 June 1995.

As all of the requirements of 37 CFR 1.137(b) have been satisfied, international application PCT/US02/34050 is revived for purposes of establishing co-pendency with the instant application. Co-pendency having been established, international application PCT/US02/34050 is again abandoned with respect to the national stage in the United States.

It is noted that applicant has claimed benefit under 35 U.S.C. 365(a) of international application PCT/US02/34050, but has not claimed benefit under 35 U.S.C. 120 and 365(c). Counsel may wish to consider filing a petition under 37 CFR 1.78(a)(3) to incorporate the reference to the international application required by 37 CFR 1.78(a)(2)(i).

DECISION

The petition under 37 CFR 1.137(b) is **GRANTED**, as described above.

The contents of former application no. 10/500,236 are being scanned and placed into the electronic file of this application. Application no. 10/500,236 has been deactivated. Accordingly, all further correspondence regarding this application should be directed to application no. 10/873,597.

Richard Cole
PCT Legal Examiner
PCT Legal Office

George M. Dombroske
PCT Legal Examiner
PCT Legal Office
Tel: (571) 272-3283
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/873,599	06/22/2004	2176	1302	MS#307416.01 (5111)	4	40	5

CONFIRMATION NO. 5666

000038779
SENNIGER, POWERS, LEAVIT & ROEDEL
ONE METROPOLITAN SQUARE, 16TH FLOOR
ST. LOUIS, MO 63102

CORRECTED FILING RECEIPT

OC000000013809159

Date Mailed: 09/15/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Daniel Plastina, Sammamish, WA;
Kasy Srinivas, Sammamish, WA;
Praveen Singh Rao, Redmond, WA;

Assignment For Published Patent Application

Microsoft Corporation, Redmond, WA

Power of Attorney: The patent practitioners associated with Customer Number **000038779**.

Domestic Priority data as claimed by applicant

This application is a CIP of 10/623,471 07/18/2003

Foreign Applications

If Required, Foreign Filing License Granted: 08/09/2004

The number of your priority application, to be used for filing abroad under the Paris Convention is,
US10/873,599

Projected Publication Date: 01/20/2005

Non-Publication Request: No

Early Publication Request: No

Title

Aggregating metadata for media content from multiple devices

Preliminary Class

707

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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Patent Group
Microsoft Corporation
One Microsoft Way
Redmond, WA 98052

Mail Date: 04/21/2010

Applicant	: Daniel Plastina	: DECISION ON REQUEST FOR
Patent Number	: 7650563	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/873,599	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/22/2004	: 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.

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Patent Group
Microsoft Corporation
One Microsoft Way
Redmond, WA 98052

Mail Date: 05/18/2010

Applicant : Daniel Plastina
Patent Number : 7650563
Issue Date : 01/19/2010
Application No: 10/873,599
Filed : 06/22/2004

: 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 **1149** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of patent term adjustment (PTA) days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days** from the mail date of this notice, whichever is longer, to file a request for reconsideration of this PTA calculation. See 35 U.S.C. § 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4).

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this PTA calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2), and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this PTA calculation, including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right of review of the USPTO's PTA determination in the United States District Court for the District of Columbia, patentee must ensure that the steps required under 35 U.S.C. § 154 (b)(4) are taken in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. § 154(b)(4).

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OFFICE OF PETITIONS

In re Application of
Dean C. Boldt et al.
Application No. 10/873,601
Filed: June 22, 2004
Attorney Docket No: 1222a

: DECISION GRANTING PETITION

This is a decision on the petition filed May 25, 2005, in response to the Notice Of Omitted Items ("Notice") mailed May 12, 2005, which is treated under 37 CFR 1.182.

The instant application was filed June 22, 2004 and a filing date was accorded. However, a "Notice" was mailed May 12, 2005 advising, that Figures 49b and 50e, described in the specification appeared to have been omitted.

Petitioner asserts that Figures 49b and 50e were among the papers filed on June 22, 2004, and submits, *inter alia*, a "legible" postcard receipt in evidence thereof. The postcard receipt, identifies the application and acknowledges, inter alia, that the application included three hundred thirty four (334) figures on three hundred one (301) drawings sheets, and bears a United States Patent and Trademark Office date-stamp of June 22, 2004. However, only two hundred ninety-nine (299) sheets of drawing figures is of record. It is obvious that Figures 49b and 50e were on the sheets that appeared to have been omitted. Additionally, the postcard receipt lacks any notation of non-receipt of any item listed. In view thereof, the petition is **GRANTED.**

Given the basis for granting the petition, no petition fees are due and thus, deposit account no. 21-0765 will be credited in the amount of $400.00.

This application is being forwarded to the Office of Initial Patent Examination (OIPE) for further processing, using the application papers received in the Office on June 22, 2004 and Figures 49b and 50e submitted on petition May 25, 2005.

Telephone inquiries regarding this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No. None

WOODCOCK WASHBURN LLP
ONE LIBERTY PLACE, 46TH FLOOR
PHILADELPHIA PA 19103

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OFFICE OF PETITIONS

In re Application of :
Angrit Weber et al. :
Application No. 10/873,610 : DECISION ON PETITION
Filed: June 22, 2004 : UNDER 37 C.F.R. §1.182
Attorney Docket No. HENK-0092/H 5389 :
Title: ALKALINE PROTEASE FROM BACILLUS :
SP. (DSM 14392) AND WASHING AND :
CLEANING PRODUCTS COMPRISING SAID :
ALKALINE PROTEASE

This is a decision on the petition under 37 C.F.R. §1.182, filed September 20, 2004, to change the name of one of the joint inventors. Petitioner has requested that the inventor formerly known as "Susanne Schmitz" be listed as "Susanne Wieland." Petitioner has submitted the petition fee, as well as a marriage certificate. However, Petitioner has not submitted an affidavit which has been signed by both names.

As such, the petition under 37 C.F.R. §1.182 is **DISMISSED**.

Any reply must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition Under 37 C.F.R. 1.182." This is not a final agency action within the meaning of 5 U.S.C §704.

The renewed petition should display "Please deliver to Paul Shanoski, c/o Office of Petitions" in a prominent manner.

To help assure prompt and proper attention to your response, please see Request for Alert Concerning Submitted Petitions, 1282 Official Gazette (May 18, 2004) for further information on how to assist the Office in delivering your submission to the correct location. The Petitioner may wish to consider telephoning the undersigned one month after the submission is made to confirm that the documents were properly delivered.

Any renewed petition may be submitted by mail[1], hand-delivery[2], or facsimile[3].

The application file will be retained in the Office of Petitions for two (2) months.

The 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 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

2 Customer Window, Mail Stop Petition, Crystal Plaza Two, Lobby, Room 1B03, Arlington, Virginia 22202.

3 (703) 872-9306 - please note this is a central facsimile number, and as such, there will be a delay in the delivery of the facsimile to the undersigned, which could be as much as one month.

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COMMISSIONER FOR PATENTS
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Paper No. None

WOODCOCK WASHBURN LLP
ONE LIBERTY PLACE, 46TH FLOOR
PHILADELPHIA PA 19103

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OFFICE OF PETITIONS

In re Application of :
Angrit Weber et al. :
Application No. 10/873,610 : DECISION ON RENEWED
Filed: June 22, 2004 : PETITION UNDER 37 C.F.R. §1.182
Attorney Docket No. HENK-0092/H 5389 :
Title: ALKALINE PROTEASE FROM BACILLUS :
SP. (DSM 14392) AND WASHING AND :
CLEANING PRODUCTS COMPRISING SAID :
ALKALINE PROTEASE :

This is a decision on the renewed petition under 37 C.F.R. §1.182, filed December 1, 2004, to change the name of one of the joint inventors. Petitioner has requested that the inventor formerly known as "Susanne Schmitz" be listed as "Susanne Wieland."

The original petition was submitted on September 20, 2004, along with the petition fee and a marriage certificate. However, Petitioner failed to submit an affidavit which had been signed with both names, and a decision which dismissed the original petition was mailed on November 2, 2004.

With the renewed petition, Petitioner has submitted an affidavit signed by both names.

The petition under 37 C.F.R. §1.182 is **GRANTED**. The inventor is now listed as:

Susanne Wieland

A corrected filing receipt has been enclosed.

This application is being forwarded to Technology Center 1600 for further processing.

The general phone number for the Office of Petitions which should be used for status requests is (571) 272-3282. Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.

Enclosure: Corrected Filing Receipt

Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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DAVID B. RITCHIE
THELEN REID & PRIEST LLP
P.O. BOX 640640
SAN JOSE CA 95164-0640

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OFFICE OF PETITIONS

In re Application of :

DESHPANDE, Yashodhan et al. :
Application No. 10/873,627 : DECISION ON PETITION
Filed: June 21, 2004 : TO WITHDRAW
Attorney Docket No. **IPOL-0006** : 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 11, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by John Schaub on behalf of all attorneys of record. Robert Krebs, David Ritchie, John Schaub and Khaled Shami have been withdrawn as attorneys or agents of record; all other attorneys remain of record.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor.

The application became abandoned for failure to timely reply to the Office action mailed January 31, 2008.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **YASHODHAN DESHPANDE**
65 RIO ROBLES EAST
APT. 2114
SAN JOSE, CA 95134

cc: **RAJEEV GOEL, EXECUTIVE DIRECTOR**
IPOLICY NETWORKS LIMITED
SDF #B-1, N.S.E.Z
NOIDA SPECIAL ECONOMIC ZONE
PUNE, INDIA 201301

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DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

LESLIE MEYER-LEON, ESQ.
IP LEGAL STRATEGIES GROUP P.C.
1480 FALMOUTH ROAD
P.O. BOX 1210
CENTERVILLE MA 02632-1210

In re Application of :
MURPHY, FREDERICK J. :
Application No. 10/873,639 : DECISION ON REQUEST TO
Filed: June 23, 2004 : WITHDRAW FROM RECORD
For: **SECURED PEER-TO-PEER WIRELESS TELECOMMUNICATIONS APPARATUS AND METHOD** :

This is a decision on the request to withdraw as attorney/agent of record filed on July 14, 2005.

A grantable request to withdraw as attorney/agent of record must:
(1) indicate the present mailing address of the attorney(s)/agent(s) who seek(s) to withdraw, and
(2) be signed by each attorney/agent seeking to withdraw or clearly be signed on their behalf, and
(3) be *approved* at least thirty (30) days prior to the maximum extendable period for response to any outstanding Office Action, and
(4) indicate the address to which future correspondence should be mailed.

All attorneys/agents associated with Customer Number 32665 have been withdrawn.

Petitioner has satisfied the requirements for successfully requesting withdrawal. Accordingly, *the request is **granted.*** Future correspondence will be sent to the below address which has been provided by the withdrawing attorney(s).

Kenneth A. Wieder
Special Program Examiner
Technology Center 2600
Communications

cc:

Frederick J. Murphy
126 Ambleside Drive
Falmouth, MA 02540

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Gary L. Huusko
Suite 600
7300 West 147th Street
Apple Valley, MN 55124

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OFFICE OF PETITIONS

In re Application of

James H. Smith

Application No. 10/873,664

Filed: June 22, 2004

Attorney Docket No. 7275-21588

DECISION ON PETITION

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181(a), filed November 9, 2006.

The petition is **granted**.

This application was held abandoned April 29, 2006, after no reply was received to the Notice of Non-Compliant Amendment mailed March 28, 2006. The notice set for a extendable period for reply of one (1) month from its mailing date. A response was not received within the allowable period and the application became abandoned on April 29, 2006. A Notice of Abandonment was mailed on October 20, 2006.The notice set forth a shortened statutory period of reply of three-months from its mailing date. No response was received within the allowable period and the application became abandoned on June 18, 2006. Petitioner maintains that the Notice of Non-Compliant Amendment was never received and provides a copy of the relevant docketing calendar as proof of the same.

Section 711.03(c)(II) of the *Manual of Patent Examining Procedure* ("MPEP") provides that in order to establish non-receipt of an Office action so as prove that the imposition of a holding of abandonment is improper, petitioner must: 1) provide a statement to the Office indicating that the Office action was not received by petitioner; 2) include in the statement an attestation to the fact that a review of the file jacket and docket records maintained by petitioner indicates that the Office action was not received; and 3) provide a copy of the docket record where the non-received Office communication would have been entered had it been received and docketed.

Petitioner has met the burden of proof as established by Section 711.03(c)(II) of the MPEP. The holding of abandonment is, therefore, withdrawn.

The application file is being forwarded to Technology Center 1700, GAU 1732 for further processing, including re-mailing of the Notice of Non-Compliant Amendment and resetting of the time period for reply.

Questions concerning this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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COATS & BENNETT/SONY ERICSSON
1400 CRESCENT GREEN
SUITE 300
CARY NC 27518

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OFFICE OF PETITIONS

In re Application of:
HAYES, Gerald J.
Application No.: 10/873,675
Filed: June 22, 2004
Attorney Docket No.: 2002-063

DECISION APPROVING
WITHDRAWAL OF ATTORNEY

This is a decision on the Request to Withdraw as Attorney/Agent of Record under 37 CFR § 1.36, filed October 2, 2008.

The Request is **APPROVED**.

Debra K. Stephens requests that she alone be withdrawn as an attorney under 37 CFR § 1.36, pursuant to the reason set forth under 37 CFR § 10.40(b)(2), because of her current employment by the United States Patent and Trademark Office. Since the Request satisfies all of the requirements for withdrawal, it is appropriate to approve the Request and withdraw only Ms. Stephens as an attorney of record.

All future communications from the Office will continue to be directed to the above-identified correspondence address.

A courtesy copy of this decision is being mailed to Ms. Stephens at the address identified in the Request.

Telephone inquiries relating to this decision should be directed Brian W. Brown at (571) 272-5338.

Brian W. Brown
Petitions Examiner
Office of Petitions

Cc: Debra K. Stephens
301 Edgemore Avenue
Cary, NC 27519

UNITED STATES PATENT AND TRADEMARK OFFICE

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NOV 19 2004

OFFICE OF THE DIRECTOR
TC 3600

Kinney & Lange PA
The Kinney & Lange Building
312 South Third Street
Minneapolis, MN 55415-1002

In re application of : **DECISION ON PETITION**
Chris A. Iverson : **TO MAKE SPECIAL**
Application No. 10/873,678 : **(ACCELERATED**
Filed: June 22, 2004 : **EXAMINATION)**
For: AXLE KIT

This is in response to the petition filed on September 10, 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 requirement (B) above. In this regard, item (B) is not met because the petition fails to include an election without traverse, or a statement that applicant is willing to elect without traverse should a restriction or election be required.

For the above stated reasons, the petition is **DISMISSED**.

Petitioner is given one more opportunity to perfect the petition. Any request for reconsideration must be filed within TWO MONTHS of the date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted.
Applicant should promptly submit a renewed petition to the Commissioner of Patents and Trademarks, Washington, D.C. 20231. The envelope should indicate that the correspondence be brought to the attention of Technology Center 3600.

Until the renewed petition is submitted, the application will be returned to the examiner's docket to await treatment on the merits in the normal order of examination.

Steven N. Meyers
Special Programs Examiner
Technology Center 3600
(703) 308-3868

SNM/snm: 11/16/04

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MINNEAPOLIS MN 55440-1022

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OFFICE OF PETITIONS

In re Application of	:	
PETER N. MASCIA	:	LETTER REGARDING PATENT
Application No. 10/873,679	:	TERM ADJUSTMENT
Filed: June 22, 2004	:	
Attorney Docket No. 11696-109001	:	

This letter is in response to the "LETTER REGARDING PATENT TERM ADJUSTMENT," filed September 11, 2008. Pursuant to applicant's duty of good faith and candor to the Office, applicant requests that the determination of patent term adjustment under 35 U.S.C. 154(b) be reviewed for accuracy.

The request for review of the determination of 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 **394 days**. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On June 24, 2008, the Office mailed a notice of allowance with the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment to date is 400 days. On September 11, 2008, applicant submitted the instant comment. Applicant discloses that the Office entered an incorrect date of receipt for the reply to the Notice to File Missing Parts of Nonprovisional Application.

A review of the application history reveals that the Office incorrectly entered the date of receipt of the reply to the Notice to File Missing Parts of Nonprovisional Application as December 15, 2004, instead of December 22, 2004.[1] Thus, the date of December 22, 2004, and not December 15, 2004, should have been used for calculating PTA.

In accordance with 37 CFR 1.704(b), the period of adjustment of the term of the patent should be reduced by 6 days, the number of days in the period beginning on the day after the date that is three months after the date of mailing of Notice to File Missing Parts of Nonprovisional Application, December 17, 2004, and ending on the date the reply was filed, December 22, 2004. Accordingly, the period of reduction of 6 days is being entered.

In view thereof, the correct patent term adjustment at the time of the mailing of the notice of allowance is **394 days** (485 days of Office delay - 91 days of applicant delay).

As this letter was submitted as an advisement to the Office of an error in applicant's favor, the Office will not assess the $200.00 fee as set forth in 37 CFR 1.18(e). The Office thanks applicant for applicant's good faith and candor in bringing this to the attention of the Office.

Applicant is reminded that any delays by the Office pursuant to 37 CFR §§ 1.702(a)(4) and 1.702(b) and any applicant delays under 37 CFR § 1.704(c)(10) will be calculated at the time of the issuance of the patent and applicant will be notified in the Issue Notification letter that is mailed to applicant approximately three weeks prior to issuance.

The Office of Data Management has been advised of this decision. This matter is being referred to the Office of Data Management for issuance of the patent.

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[1] The reply contains a USPTO date-stamp of December 22, 2004.

Telephone inquiries regarding this matter should be directed to Christina Tartera Donnell, Senior Petitions Attorney, at (571) 272-3211.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of updated PAIR screen

Day : Friday
Date: 12/5/2008

PALM INTRANET

Time: 16:56:17

PTA Calculations for Application: 10/873679			
Application Filing Date:	06/22/2004	PTO Delay (PTO):	485
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	85
Post-Issue Petitions:	0	Total PTA (days):	394
PTO Delay Adjustment:	-6		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
72	12/05/2008	ADJUSTMENT OF PTA CALCULATION BY PTO		6	
58	06/24/2008	MAIL NOTICE OF ALLOWANCE			
57	06/21/2008	ISSUE REVISION COMPLETED			
56	06/21/2008	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
55	06/21/2008	CASE DOCKETED TO EXAMINER IN GAU			
54	06/21/2008	DOCUMENT VERIFICATION			
53	06/21/2008	EXAMINER'S AMENDMENT COMMUNICATION			
52	06/21/2008	NOTICE OF ALLOWABILITY			
51	06/13/2008	DATE FORWARDED TO EXAMINER			
50	06/09/2008	AMENDMENT AFTER FINAL REJECTION		2	49
49	03/07/2008	MAIL FINAL REJECTION (PTOL - 326)			
48	02/29/2008	FINAL REJECTION			
47	12/22/2007	DATE FORWARDED TO EXAMINER			
46	12/13/2007	RESPONSE TO ELECTION / RESTRICTION FILED			
45	11/13/2007	MAIL RESTRICTION REQUIREMENT			
44	11/12/2007	REQUIREMENT FOR RESTRICTION / ELECTION			
43	08/22/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
42	08/30/2007	DATE FORWARDED TO EXAMINER			
41	08/22/2007	RESPONSE AFTER NON-FINAL ACTION		35	36
40	08/22/2007	REQUEST FOR EXTENSION OF TIME - GRANTED			
39	08/22/2007	REFERENCE CAPTURE ON IDS			
38	08/22/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
37	08/22/2007	INFORMATION DISCLOSURE STATEMENT (IDS)			

		FILED			
36	04/18/2007	MAIL NON-FINAL REJECTION			
35	04/16/2007	NON-FINAL REJECTION			
34	03/08/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
33.7	03/08/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		48	30
33	03/08/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
32	02/15/2007	PG-PUB ISSUE NOTIFICATION			
31	01/30/2007	DATE FORWARDED TO EXAMINER			
30	01/19/2007	RESPONSE TO ELECTION / RESTRICTION FILED			
29	12/20/2006	MAIL RESTRICTION REQUIREMENT	485		-1
28	12/18/2006	REQUIREMENT FOR RESTRICTION / ELECTION			
27	10/04/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
26	03/22/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
25	06/21/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
24	08/29/2005	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
23	10/04/2006	REFERENCE CAPTURE ON IDS			
22.7	10/04/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
22	10/04/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
21	06/21/2006	REFERENCE CAPTURE ON IDS			
20.7	06/21/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
20	06/21/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
19.7	03/22/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
19	03/22/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
18	01/10/2006	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
17	12/22/2004	PRELIMINARY AMENDMENT			
16	01/10/2006	CASE DOCKETED TO EXAMINER IN GAU			
15	08/29/2005	REFERENCE CAPTURE ON IDS			

14.7	08/29/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
14	08/29/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
13	04/22/2005	APPLICATION DISPATCHED FROM OIPE			
12	04/25/2005	APPLICATION IS NOW COMPLETE			
11	12/15/2004	ADDITIONAL APPLICATION FILING FEES			
10	12/15/2004	A SET OF SYMBOLS AND PROCEDURES, PROVIDED TO THE PTO ON A SET OF COMPUTER LISTINGS, THAT DESCRIBE IN			
9	12/15/2004	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
8	09/16/2004	NOTICE MAILED--APPLICATION INCOMPLETE--FILING DATE ASSIGNED			
6	08/10/2004	CLEARED BY OIPE CSR			
5	08/10/2004	CASE CLASSIFIED BY OIPE			
4	07/21/2004	IFW SCAN & PACR AUTO SECURITY REVIEW			
3	07/06/2004	CRF IS GOOD TECHNICALLY / ENTERED INTO DATABASE			
2	06/22/2004	CRF DISK HAS BEEN RECEIVED BY PREEXAM / GROUP / PCT			
1	06/22/2004	INITIAL EXAM TEAM NN			

Search Another: Application# Search

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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Michael G. Fletcher
Fletcher, Yoder & Van Someren
P.O. Box 692289
Houston, TX 77269-2289

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OFFICE OF PETITIONS

In re Application of :
Fernando Gonzalez :
Application No. 10/873,689 :
Filed: June 22, 2004 : ON PETITION
Attorney Docket No.: :
MICS:0092/FLE 01-0757 :

This is a decision on the Response to the Notice to File Missing Parts of Nonprovisional Application, filed December 20, 2004, wherein Applicant submits drawing sheets 5A-5C. The petition is properly treated under 37 CFR 1.182.

Background

Application papers in the above-identified application were filed on June 22, 2004. On October 15, 2004, the Office of Initial Patent Examination mailed a Notice to File Missing Parts of Nonprovisional Application ("Notice"), informing Applicant that drawing Figures 5A-5C described in the specification appeared to have been omitted from the application.

The instant petition

Applicant files the instant Petition and drawing Figures 5A-5C, and provides that the above-identified application is a divisional application, and the drawing Figures 5A-5C were filed with the parent application, and were completely described in the specification of the above-identified application. As such, Applicant asserts that the filing of Figures 5A-5C adds no new matter.

The Notice provided Applicant with three options: (1) promptly establish prior receipt in the USPTO of the drawing(s) at issue (generally by way of date-stamped postcard receipt (MPEP 503)) (by filing a petition under 37 CFR 1.53); (2) promptly submit the omitted drawing(s) in a nonprovisional application and accept the date such submission as the application filing date (by filing a petition under 37 CFR 1.182); or (3) "accept the application as deposited in the USPTO [and not] respond to the

'Notice of Omitted Item(s)'", thereby constructively accepting the application as deposited with this Office. Amendment of the specification is required . . . to cancel all references to the omitted drawing[s]. . . ." See MPEP 601.01(g).
MPEP"), § 601.01(g)

Here, Applicant has filed the drawing Figures ((option (2))[1], and Applicant asserts that the drawings are not new matter as they were filed with the parent application, and were completely described in the specification of the above-identified application. Applicant does not assert that the prior application was incorporated by reference. Further to this, a review of the Application Transmittal; Specification and Preliminary Amendment reveal that Applicant has failed to incorporate by reference the prior application. Applicant is advised that, as provided in the Manual of Patenting Examining Procedure ("MPEP"),

> As a safeguard against the omission of a portion of a prior application for which priority is claimed under 35 U.S.C. 119(a)-(d) or (f), or for which benefit is claimed under 35 U.S.C. 119(e) or 120, applicant may include a statement at the time of filing of the later application incorporating by reference the prior application. See MPEP § 201.06(c) where domestic benefit is claimed. See MPEP § 201.13 where foreign priority is claimed. The inclusion of such an incorporation by reference statement in the later-filed application will permit applicant to include subject matter from the prior application into the later-filed application without the subject matter being considered as new matter. For the incorporation by reference to be effective as a proper safeguard, the incorporation by reference statement must be filed at the time of filing of the later-filed application. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (See 35 U.S.C. 132(a).

MPEP 608.01(p).

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[1] It is presumed that Applicant wishes to maintain the filing date of the application, and the petition is treated based upon that assumption. If this is an incorrect assumption, Applicant must notify this Office immediately.

Accordingly, the petition is **dismissed**.

The issue of new matter is one appropriately addressed by the Examiner.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

Derek L. Woods
Attorney/Advisor
Office of Petitions

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OFFICE OF PETITIONS

In re Application of :
Fernando Gonzalez :
Application No. 10/873,689 :
Filed: June 22, 2004 : ON PETITION
Attorney Docket No.: :
MICS:0092/FLE 01-0757 :

This is a decision on the Request for Corrected Filing Receipt, filed April 6, 2005, requesting the application be accorded the original filing date of June 22, 2004, instead of the presently accorded filing date of December 20, 2004. The Request is properly treated under 37 CFR 1.53.

Background

Application papers in the above-identified application were filed on June 22, 2004. On October 15, 2004, the Office of Initial Patent Examination mailed a Notice to File Missing Parts of Nonprovisional Application ("Notice"), informing Applicant that drawing Figures 5A-5C described in the specification appeared to have been omitted from the application.

Applicant filed a Response ("Response"), to Notice to File Missing parts of Nonprovisional Application on December 20, 2004, and included drawings, an oath or declaration, and a Power of Attorney.

The Notice provided Applicant with three options: (1) promptly establish prior receipt in the USPTO of the drawing(s) at issue (generally by way of date-stamped postcard receipt (MPEP 503)) (by filing a petition under 37 CFR 1.53); (2) promptly submit the omitted drawing(s) in a nonprovisional application and accept the date such submission as the application filing date (by filing a petition under 37 CFR 1.182); or (3) "accept the application as deposited in the USPTO [and not] respond to the

'Notice of Omitted Item(s)'", thereby constructively accepting the application as deposited with this Office. Amendment of the specification is required . . . to cancel all references to the omitted drawing[s]. . . ." See MPEP 601.01(g). MPEP"), § 601.01(g)

Here, Applicant filed the drawing Figures ((option (2))[1], and Applicant also asserted that the drawings were not new matter as they were filed with the parent application, and were completely described in the specification of the above-identified application.

The Response was entered into our database as a petition and treated by this Office as a petition to accord the application filing date of June 22, 2004, including Figures 5A-5C described in the specification based upon the assertion that the filing of Figures 5A-5C added no new matter.

However, also in response to the filing of the Response, this Office (the Office of Initial Patent Examination) changed the filing date of the application to the date of receipt of the Response: December 20, 2004 in accordance with the Notice.

The instant petition

The instant petition (Request for Corrected Filing Receipt) requests the application be accorded the original filing date of June 22, 2004.

A review of the file reveals that the application as filed on June 22, 2004, was a complete application under 37 CFR 1.53(b) such that the application was correctly accorded the June 22, 2004, filing date.

Accordingly, the petition is **GRANTED**.

Since the petition was not necessitated by an error on the part of this office, the petition fee, $400.00, has been charged to Applicant's deposit account

[1] It is presumed that Applicant wishes to maintain the filing date of the application, and the petition is treated based upon that assumption. If this is an incorrect assumption, Applicant must notify this Office immediately.

The application is being forwarded to the Office of Initial Patent Examination for correction of the filing date to June 22, 2004, and for the mailing of a corrected filing receipt.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

Derek L. Woods
Attorney
Office of Petitions

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OFFICE OF PETITIONS

In re Application of VAN HORN, et al. Application No. 10/873,692 Filed: June 22, 2004 Attorney Docket No. 4403.4US(00-0209304/US)	:	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 December 04, 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 September 01, 2006 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries regarding this decision should be directed to Patricia Volpe at 571-272-6825.

This application is being referred to Technology Center AU 2829 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

Frances M. Hicks
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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FITCH EVEN TABIN AND FLANNERY
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SUITE 1600
CHICAGO IL 60603-3406

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In re Application of :
Simcha Milo :
Application No. 10/873,703 : ON APPLICATION FOR
Filed: June 21, 2004 : PATENT TERM ADJUSTMENT
Attorney Docket No. 73988/5867:

This is in response to the APPLICATION FOR PATENT TERM ADJUSTMENT PURSUANT TO 37 C.F.R. § 1.705 filed October 24, 2008. Applicant requests that the patent term adjustment indicated on the patent should be one thousand three hundred (1300) days, based on the projection that the patent will issue 27 weeks after the mailing date of the Notice of Allowance. Applicant requests this correction on the basis that the Office will take in excess of three years to issue this patent and in light of the recent court decision in Wyeth v. Dudas, No. 07-1492 (D.D.C. September 30, 2008).

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 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.

Applicant's request for refund of this fee is denied. 35 U.S.C. 154(b)(3) provides for the Office to establish procedures for the application for and determination of patent term adjustment under 35 U.S.C. 154(b). The Office will provide an initial determination of the patent term adjustment in the notice of allowance. If, however, an applicant wishes to request reconsideration of the initial determination in the notice of allowance, the applicant must file an application for patent term adjustment. 35 U.S.C. 41(d) authorizes the Office to establish a fee to recover the estimated average cost of treating applications for patent term adjustment (as well as a fee for treating a request for reinstatement of patent term adjustment), and the cost of treating an application for patent term adjustment is about the same regardless of whether the Office's initial determination of patent term adjustment indicated in the notice of allowance is correct. In any event, refunding the fee under § 1.18(e) when the application for patent term adjustment is correct would: (1) require the Office to raise the fee set forth in § 1.18(e) (to enable the Office to recover the same aggregate amount); and (2) add further complication to a review process that must take place in a limited period of time.

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

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OFFICE OF PETITIONS

In re Application of :
Emad Zawaideh et al. :
Application No. 10/873,735 : DECISION ON PETITION
Filed: June 22, 2004 :
Attorney Docket No. SCI-1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 8, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, September 25, 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 December 26, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $770.00, and (3) a proper statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584.

This application is being referred to Technology Center AU 2886 for appropriate action by the Examiner in the normal course of business on the reply received.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petition

PTO/SB/64 (01-08)
Approved for use through 07/31/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Docket Number (Optional)

First named inventor: Emad Zawaideh

Application No.: 10/873,735 Art Unit: 2877

Filed: 6/22/2004 Examiner: Nguyen, Tu T

Title: Optical Metrology Systems and Methods

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
(1) Petition fee;
(2) Reply and/or issue fee;
(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
(4) Statement that the entire delay was unintentional.

1. Petition fee

☑ Small entity-fee $ 770.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity – fee $ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of an amendment (identify type of reply):

☐ has been filed previously on _____.
☑ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of $ _____.

☐ has been paid previously on _____.
☐ is enclosed herewith.

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

3. Terminal disclaimer with disclaimer fee

☑ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of $ _____ for a small entity or $ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

_____ Signature	7/8/08 Date
John R. Ross, III Typed or printed name	43060 Registration Number, if applicable
P.O. Box 2138, Del Mar, CA 92014 Address	858-755-3122 Telephone Number
_____ Address	

Enclosures: ☑ Fee Payment

☑ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

_____ Date	_____ Signature
	_____ Typed or printed name of person signing certificate

RAM Fee History Query

Revenue Accounting and Management

Name/Number: 10873735 Total Records Found: 3

Start Date: Any Date End Date: Any Date

Accounting Date	Sequence Num.	Fee Type	Fee Code	Fee Amount	Mailroom Date	Payment Method
07/09/2008	00008235	4	2453	$770.00	07/08/2008	DA 200678
06/25/2004	00000091	1	2001	$385.00	06/22/2004	CK
06/25/2004	00000092	1	8021	$40.00	06/22/2004	CK

Attorney/Agent Information for 10/873735

Customer # 36255

Attorney/Agent Name	Attorney/Agent Registration Number	Attorney/Agent Telephone Number
ROSS, JOHN	30530 (Attorney)	(858)755-3122
ROSS, JOHN	43060 (Attorney)	(858)755-3122

Appln Info | Contents | Petition Info | Atty/Agent Info | Continuity/Reexam | Foreign Data

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Attorney Docket # [ ] Search

Bar Code # [ ] Search

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Correspondence Address for 10/873735

Customer Number	Contact Information	Address
36255 Delivery Mode: Paper	Telephone: (858)755-3122 Fax: (858)755-3122 E-Mail: No E-Mail Address	ROSS PATENT LAW OFFICE P.O. BOX 2138 DEL MAR CA 92014

Appln Info | Contents | Petition Info | Atty/Agent Info | Continuity/Reexam | Foreign D

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DAVID B. RITCHIE
THELEN REID & PRIEST LLP
P.O. BOX. 640640
SAN JOSE CA 95164-0640

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JUL 3 1 2008

In re Application of

DESHPANDE, Yashodhan et al.
Application No. 10/873,754
Filed: June 21, 2004
Attorney Docket No. **IPOL-0008**

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 July 11, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by John Schaub 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 or the assignee of the entire interest at the first copied address below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **YASHODHAN DESHPANDE**
65 RIO ROBLES EAST, APT. 2114
SAN JOSE CA 95134

cc: **RAJEEV GOEL**
IPOLICY NETWORKS LIMITED
SDF #B-1, N.S.E.Z, NOLDA SPECIAL ECONOMIC ZONE
PRUNE 201301
INDIA

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JUL 20 2007

OFFICE OF PETITIONS

WILLIAM A WEBB
BRINKS HOFER GILSON & LIONE
PO BOX 10395
CHICAGO IL 60610

In re	:	
Pelletier, et al.	:	DECISION REGARDING
Application No. 10/873,756	:	PATENT TERM ADJUSTMENT
Filed: June 21, 2004	:	
Attorney Docket No. 8285/692	:	

This decision is in response to the "REQUEST FOR REVIEW OF PATENT TERM ADJUSTMENT", filed May 15, 2007, requesting correction of the patent term adjustment (PTA) indicated on the Determination of Patent Term Adjustment, PTOL-85.

The request is **DISMISSED**.

On March 22, 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 thirty-five (235) days. Applicants submitted the instant "REQUEST FOR REVIEW OF PATENT TERM ADJUSTMENT" on May 15, 2007. Applicants states that they believe there was an error in their favor in the patent term adjustment calculation.

The Office determined a patent term adjustment of two hundred thirty-five (235) days based on an adjustment for PTO delay of two hundred sixty-eight (268) days pursuant to 35 U.S.C. 154(b)(1)(A)(i) and 37 C.F.R. § 1.703(a)(1), reduced by thirty-three (33) days of applicant delay pursuant to 35 U.S.C. 154(b)(2)(C)(iii) and 37 C.F.R. § 1.704(b).

A review of the application does not reveal any errors in the calculation of the patent term adjustment. To the extent that Applicants are aware of any errors, Applicants should so advise the Office.

It is noted that applicants filed a terminal disclaimer on September 18, 2006. The provisions of § 154(b), for adjustment due to examination delay, apply to original applications, other than designs, filed on or after May 29, 2000. The Office calculates patent term adjustment for examination delay in all eligible applications. In calculating the patent term adjustment, the Office does not differentiate between applications that have terminal disclaimers and those that do not. Nor does the Office undertake the burdensome task of reviewing every application with a terminal disclaimer to determine if the patent term adjustment accorded would adjust the term beyond the expiration date specified in the disclaimer.

Rather, on issuance of the application, in compliance with 35 U.S.C. 154(b) and 37 C.F.R. § 1.703(g), it is indicated in the patent that the patent term adjustment indicated therein is subject to any disclaimer. Moreover, it is also stated therein that the patent is subject to a terminal disclaimer.

The application file is being forwarded to the Office of Patent Publication for processing into a patent.

Telephone inquiries specific to this letter should be directed to Cliff Congo, Petitions Attorney, at (571)272-3207.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 11-14-07

Paper No.: _____

TO SPE OF : **Technology Center** 2614

10/873756

SUBJECT : Request for Certificate of Correction on Patent No.: 7260196 B2

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within 7 days to:
Palm location **7580, Certificates of Correction Branch – South Tower – 9A22**
If response is for an IFW, **return to employee (named below) via PUBSCofC Team in MADRAS.**
With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction (COCIN)? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Elisha Evans
Certificates of Correction Branch
Tel. No. 703-308-9390 EXT 110

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☒ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments:

_____

_____

_____

_____

_____

SPE — 2614 Art Unit

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THELEN REIN & PRIEST LLP
P.O. BOX 640640
SAN JOSE, CA 95164-0640

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SEP 1 0 2008

OFFICE OF PETITIONS

In re Application of :
Yashodhan DESHPANDE, et al :
Application No. 10/873,761 : DECISION ON PETITION
Filed: June 21, 2004 : TO WITHDRAW
Attorney Docket No. IPOL-0007 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 11, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by John Schaub on behalf of attorneys Robert Krebs, David Ritchie, John Schaub and Khaled Shami.

All attorneys indicated above have been withdrawn, all other attorneys remain of record.

All future communications from the Office will continue to be addressed to the above-identified address 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 the undersigned at 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: JOHN SCHAUB
THELEN REID BROWN RAYSMAN & STEINER
225 W. SANTA CLARA STREET, SUITE 1200
SAN JOSE, CA 95113

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FAY SHARPE/LINCOLN
1100 SUPERIOR AVENUE
SEVENTH FLOOR
CLEVELAND OH 44114

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JUL 30 2007

OFFICE OF PETITIONS

In re Application of :
Robert L. Dodge et al :
Application No. 10/873,771 :DECISION GRANTING PETITION
Filed: June 22, 2004 :UNDER 37 CFR 1.313(c)(1)
Attorney Docket No. :
LEEE 20048-3

This is a decision on the petition under 37 CFR 1.313(c)(1), filed July 30, 2007, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The petition complies with the requirements of 37 CFR 1.313(c)(1). Accordingly, the above-identified application is withdrawn from issue due to unpatentability of one or more claims.

Telephone inquiries should be directed to the undersigned at (571) 272 3218.

The application is being referred to Technology Center AU 1725 for appropriate action in the normal course of business on the amendment filed with this petition on July 30, 2007.

Frances Hicks
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

FOLEY & LARDNER LLP
150 EAST GILMAN STREET
P.O. BOX 1497
MADISON, WI 53701-1497

In re Patent No. 7,457,345
Issue Date: November 25, 2008
Application No. 10/873,784
Filed: August 31, 2006
Attorney Docket No. 088245-3390

: DECISION GRANTING PETITION
: UNDER 37 CFR 1.78(a)(3) AND
: REQUEST FOR CERTIFICATE OF
: CORRECTION
:

This is a decision on the petition, filed December 8, 2009, which is being treated as a petition under 37 CFR 1.78(a)(3), seeking to add a claim for priority under 35 U.S.C. § 120 to nonprovisional application as set forth by in the application data sheet and amendment, by way of a certificate of correction.

The petition is **granted**.

A review of the file record fails to disclose that a claim for the benefit of priority to the above-noted, prior-filed nonprovisional application was made within the time period set forth in 37 CFR 1.78(a)(2)(ii) and further failed to include a proper reference to the prior-filed application as required by 37 CFR 1.78(a)(2)(i) and 1.78(a)(2)(iii).

The instant application was filed August 31, 2006. Therefore, since this application was filed after November 29, 2000, a petition under 37 CFR 1.78(a)(3), along with submission of a Certificate of Correction, is the appropriate avenue of relief to accept a late claim for the benefit of priority to a prior-filed nonprovisional application after issuance of the application into a patent. *See* MPEP 1481.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the

> claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

As the petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. § 120 to the above-noted, prior-filed nonprovisional application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

A corrected Filing Receipt, which includes the priority claim to the above-noted, prior-filed nonprovisional application, accompanies this decision on petition.

Petitioner is advised that the granting of this petition and the mailing of a corrected Filing Receipt should not be viewed as an indication that a determination has been made that this application is entitled to claim benefit of the prior-filed application. A determination that applicant is entitled to claim benefit of the prior-filed application will be made by the Examiner prior to the mailing of a certificate of correction.

As authorized, the $1,410 surcharge fee, as well as the $100 certificate of correction fee, will be charged to petitioner's credit card.

Any inquiries concerning this decision may be directed to April M. Wise at (571) 272-1642.

This application is being referred to the Certificates of Correction Branch for processing the request for a certificate of correction in accordance with this decision on the petition under 37 CFR 1.78(a)(3).

/dab/
David Bucci
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
10/873,784	06/21/2004	2611	1544	088245-3390	36	4

CONFIRMATION NO. 6088

CORRECTED FILING RECEIPT

23524
FOLEY & LARDNER LLP
150 EAST GILMAN STREET
P.O. BOX 1497
MADISON, WI 53701-1497

Date Mailed: 12/28/2009

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)

Bart E. Rice, Santa Cruz, CA;

Power of Attorney: The patent practitioners associated with Customer Number 23524

Domestic Priority data as claimed by applicant

This application is a CON of 09/759,425 01/12/2001 ABN
which is a DIV of 08/003,996 01/15/1993 PAT 6,621,854
which is a DIV of 07/766,372 09/27/1991 PAT 5,210,770

Foreign Applications

If Required, Foreign Filing License Granted: 08/05/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 10/873,784**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

SPREAD-SPECTRUM TRANSCEIVER

Preliminary Class

375

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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OFFICE OF PETITIONS

Stephen M. Patton
7881 Grove Court East
Germantown, TN 38138

In re Application of	:	
Robert D. Kurtz, Jr.	:	
Application No. 10/873,798	:	DECISION ON PETITION
Filed: June 22, 2004	:	TO WITHDRAW
Attorney Docket No. 17367	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 17, 2006.

The request is **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, **I know 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 Terri Williams at 571-272-2991.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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MERCHANT & GOULD
SCIENTIFIC ATLANTA, A CISCO COMPANY
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

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MAR 19 2010

In re Application of	:	
Howard G. Pinder, et al.	:	
Application No. 10/873,805	:	DECISION GRANTING PETITION
Filed: June 22, 2004	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. A-8849	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed March 17, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on February 5, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 2439 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

---

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20100726

DATE : July 26, 2010

TO SPE OF : ART UNIT 2621

SUBJECT : Request for Certificate of Correction on Patent No.:

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - ST (South Tower) 9A22
Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance **Certificates of Correction Branch**

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☒ **Approved** All changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

Comments:

The requested changes do not introduce new matter and do not change the scope or meaning of the claims.

/Mehrdad Dastouri/
Supervisory Patent Examiner.Art Unit 2621

UNITED STATES DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10/873,834	06/22/2004	Chiang	

EXAMINER	
Lie, Angela	
ART UNIT	**PAPER**
2163	

VOLPE and KOENIG, P.C.
United Plaza, Suite 1600
30 South 17th Street
Philadelphia, PA 19103

DATE MAILED: 02/01/2007

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

David J. Thibodeau, Jr.
HAMILTON, BROOK, SMITH &
REYNOLDS, P.C.
530 Virginia Road
P.O. BOX 9133
Concord, MA 01742-9133

MAILED

FEB 0 1 2007

Technology Center 2100

In re Application of:
Bing Chang.
Application No. 10/873,834
Filed: June 22, 2004
For: DUAL BAND PHASED ARRAY EMPLOYING SPATIAL SECOND HARMONICS

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY OR AGENT

This is a decision on the Request To Withdraw from Representation filed December 11, 2006.

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 is the date of decision and not the date of request. See M.P.E.P. § 402.06. 37 C.F.R. § 10.40(a) 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 U.S. Patent and Trademark Office (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 Office of any change in correspondence address to ensure receipt of all communications from the Office.

Michelle R. Eason for

Vincent N. Trans
Special Program Examiner
Technology Center 2100
Computer Architecture, Software, and
Information Security
571-272-3613

cc: Volpe and Koeing, P.C.
United Plaza, Suite 1600
30 South 17th Street
Philadelphia, PA 19103

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

HALLIBURTON ENERGY SERVICES
P.O. BOX 819052
Dallas, TX 75381-9052

Mail Date: 04/21/2010

Applicant	: Paul D. Ringgenberg	: DECISION ON REQUEST FOR
Patent Number	: 7641395	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/873,849	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/22/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **736** 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

HALLIBURTON ENERGY SERVICES
P.O. BOX 819052
Dallas, TX 75381-9052

Mail Date: 05/18/2010

Applicant : Paul D. Ringgenberg
Patent Number : 7641395
Issue Date : 01/05/2010
Application No: 10/873,849
Filed : 06/22/2004

: 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 **776** 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

COPY MAILED

JUN 07 2007

OFFICE OF PETITIONS

Jurgen Vollrath
588 Sutter Street #531
San Francisco CA 94102

In re Application of	:	
Peter J. Hopper et al.	:	
Application No. 10/873,872	:	DECISION ON PETITION
Filed: June 21, 2004	:	UNDER 37 C.F.R. §1.181
Attorney Docket No.: P0970	:	
Title: REDUCING CROSS DIE	:	
VARIABILITY IN AN EEPROM ARRAY	:	

This is a decision on the petition filed January 29, 2007, pursuant to 37 C.F.R. §1.181, requesting that the holding of abandonment in the above-identified application be withdrawn.

The above-identified application became abandoned for failure to submit the issue fee in a timely manner in reply to the Notice of Allowance and Issue Fee Due, mailed August 23, 2006, which set a shortened statutory period for reply of three months. No extensions of time are permitted for transmitting issue fees[1]. Accordingly, the above-identified application became abandoned on November 24, 2006. A Notice of Abandonment was mailed on December 28, 2006.

With the present petition, Petitioner has asserted that the Notice of Allowance and Issue Fee Due was not received.

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. In addition, a copy of the docket record where the non-received Office communication would

1 See MPEP §710.02(e).

have been entered had it been received and docketed must be attached to and referenced in practitioner's statement[2].

Petitioner has met the requirements of Delgar v. Schuyler, 172 USPQ 513 (D.D.C. 1971), in that he has asserted that the Office communication was not received, that he has searched both the file jacket and the docket record, and he has included a copy of the latter.

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 re-mail the Notice of Allowance and Issue Fee Due of August 23, 2006, and will set a new period for response.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225[3]. 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 See MPEP 711.03(c).

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).

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 6/30/08

Paper No.: —

TO SPE OF : ART UNIT 2612

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/873875 Patent No: 7268671 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: _____

_____

_____

_____

_____

_____ 2612
SPE **Art Unit**

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : May 30, 2007

TO SPE OF : ART UNIT 2815

SUBJECT : Request for Certificate of Correction for Appl. No. 10/873883 patent no. 7112879

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: _____

Kenneth Parker 2815

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

Paper No. None

WOODCOCK WASHBURN LLP
ONE LIBERTY PLACE, 46TH FLOOR
PHILADELPHIA PA 19103

COPY MAILED

NOV 0 9 2004

OFFICE OF PETITIONS

In re Application of
Angrit Weber et al.
Application No. 10/873,917
Filed: June 22, 2004
Attorney Docket No. HENK-0090/H5388
Title: ALKALINE PROTEASE FROM BACILLUS SP. (DSM 14390) AND WASHING AND CLEANING PRODUCTS COMPRISING SAID ALKALINE PROTEASE

DECISION ON PETITION
UNDER 37 C.F.R. §1.182

This is a decision on the petition under 37 C.F.R. §1.182, filed September 20, 2004, to change the name of one of the joint inventors. Petitioner has requested that the inventor formerly known as "Susanne Schmitz" be listed as "Susanne Wieland." Petitioner has submitted the petition fee, as well as a marriage certificate. However, Petitioner has not submitted an affidavit which has been signed with both names.

As such, the petition under 37 C.F.R. §1.182 is **DISMISSED**.

Any reply must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition Under 37 C.F.R. §1.182." This is not a final agency action within the meaning of 5 U.S.C §704.

The renewed petition should display "Please deliver to Paul Shanoski, c/o Office of Petitions" in a prominent manner.

To help assure prompt and proper attention to your response, please see Request for Alert Concerning Submitted Petitions, 1282 Official Gazette (May 18, 2004) for further information on how to assist the Office in delivering your submission to the correct location. The Petitioner may wish to consider telephoning the undersigned one month after the submission is made to confirm that the documents were properly delivered.

Any renewed petition may be submitted by mail[1], hand-delivery[2], or facsimile[3].

The application file will be retained in the Office of Petitions for two (2) months.

The 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 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

2 Customer Window, Mail Stop Petition, Crystal Plaza Two, Lobby, Room 1B03, Arlington, Virginia 22202.

3 (703) 872-9306 - please note this is a central facsimile number, and as such, there will be a delay in the delivery of the facsimile to the undersigned, which could be as much as one month.

UNITED STATES 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

WOODCOCK WASHBURN LLP
ONE LIBERTY PLACE, 46TH FLOOR
PHILADELPHIA PA 19103

COPY MAILED

DEC 29 2004

OFFICE OF PETITIONS

In re Application of	:	
Angrit Weber et al.	:	
Application No. 10/873,917	:	DECISION ON RENEWED
Filed: June 22, 2004	:	PETITION UNDER 37 C.F.R. §1.182
Attorney Docket No. HENK-0090/H5388	:	
Title: ALKALINE PROTEASE FROM BACILLUS SP. (DSM 14390) AND WASHING AND CLEANING PRODUCTS COMPRISING SAID ALKALINE PROTEASE	:	

This is a decision on the renewed petition under 37 C.F.R. §1.182, filed December 1, 2004, to change the name of one of the joint inventors. Petitioner has requested that the inventor formerly known as "Susanne Schmitz" be listed as "Susanne Wieland."

The original petition was submitted on September 20, 2004, along with the petition fee and a marriage certificate. However, Petitioner failed to submit an affidavit which had been signed with both names, and a decision which dismissed the original petition was mailed on November 9, 2004.

With the renewed petition, Petitioner has submitted an affidavit signed by both names.

The petition under 37 C.F.R. §1.182 is **GRANTED**. The inventor is now listed as:

Susanne Wieland

A corrected filing receipt has been enclosed.

This application is being forwarded to Technology Center 1600 for further processing.

The general phone number for the Office of Petitions which should be used for status requests is (571) 272-3282. Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.

Enclosure: Corrected Filing Receipt

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

SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
attn: VDO - CGO docketing migration
ISELIN NJ 08830

COPY MAILED

JUN 11 2008

OFFICE OF PETITIONS

In re Application of :
Brian Saloka :
Application No. 10/873,925 : ON PETITION
Filed: June 22, 2004 :
Attorney Docket No. 2003P14019US01;60426-651 :

This is a decision in response to the petition, filed February 6, 2008, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for a failure to reply in a timely manner to a non-final Office action mailed June 27, 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 September 28, 2007. This decision precedes the mailing of a Notice of Abandonment. On February 6, 2008, the present petition was filed.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of $1,540; and (3) an adequate statement of unintentional delay.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

The application is being referred to Technology Center AU 2611 for 2611 for appropriate action by the Examiner in the normal course of business on the amendment filed February 6, 2008.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: JOHN SIRAGUSA
400 WEST MAPLE ROAD
SUITE 350
BIRMINGHAM, MI 48009

UNITED STATES 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 RAY & ASSOCIATES
2640 Pitcairn Road
Monroeville, PA 15146

COPY MAILED

JUN 30 2006

OFFICE OF PETITIONS

In re Application of :
Natschke, et al. :
Application No. 10/873,958 : ON PETITION
Filed: June 22, 2004 :
Attorney Docket No. CRD 01484

This is a decision on the petition under 37 CFR 1.181 filed on August 29, 2005, to withdraw the holding of abandonment.

The petition is **DISMISSED.**

The application became abandoned on October 10, 2004, after no response was received to the Notice to File Missing Parts of Nonprovisional Application mailed August 9, 2004, which set shortened period for reply of two (2) months from its mailing date. No response was received within the allowable period, and the application became abandoned on October 10, 2004 A Notice of Abandonment was mailed on May 18, 2005.

In the instant petition, petitioner maintains that the Notice to File Missing Parts of Nonprovisional Application was never received.

When, as in this case petitioner is arguing that an Office communication was not received, petitioner must establish non-receipt of the Office communication in accordance with section 711.03(c) of the *Manual of Patent Examining Procedure* that requires the following:

> [t]he showing requires to establish non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

Although petitioner has provided a copy of the relevant docket record, petitioner did not provide a statement that petitioner's records were searched, but the Office communication was not found. The renewed petition must include an attestation that petitioner's file jacket and docket records were searched, but that the Office communication was not found.

Further correspondence with respect to this matter should be addressed as follows:

By mail:	Commissioner for Patents United States Patent and Trademark Office Box 1450 Alexandria, VA 22313-1450
By facsimile:	(571) 273-8300 Attn: Office of Petitions

Telephone inquiries regarding this decision should be directed to the undersigned (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

JAMES RAY & ASSOCIATES
2640 Pitcairn Road
Monroeville, PA 15146

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OFFICE OF PETITIONS

In re Application of :
Natschke, et al. :
Application No.: 10/873,958 : ON PETITION
Filed: June 22, 2004 :
Attorney Docket No. CRD01484 :

This is in response to the petition under 37 CFR 1.137(b) filed October 2, 2006.

The petition under 37 CFR 1.137(b) is **granted**.

The application became abandoned on October 10, 2004, after no response was received to the Notice to File Missing Parts of Nonprovisional Application mailed August 9, 2004, which set a shortened period for reply of two months from its mailing date. The Notice indicated that an oath or declaration, surcharge, and replacement drawings were required to be filed and that Figure 6, as described in the specification, appeared to have been omitted. No response was received within the allowable period, and the application became abandoned on October 10, 2004. A Notice of Abandonment was mailed on May 18, 2005.

A declaration and the surcharge were received on November 17, 2005. Replacement drawings were also received on November 17, 2005. Applicant is advised that Figure 6 was not found among the drawings filed with the original application papers, but Figure 6 was among the replacement drawings filed November 17, 2005. There is no indication in the application file that applicant maintains that Figure 6 accompanied the original application papers. Consequently, in order for Figure 6 to be included as part of the originally filed application papers, the application filing date will have to be changed to November 17, 2005—the date Figure 6 was received. Applicant is advised that the Office of Initial Patent Examination may change the filing date for the application to November 17, 2005.

This application is being 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

HAMRE, SCHUMANN, MUELLER & LARSON, P.C.
P.O. BOX 2902-0902
MINNEAPOLIS, MN 55402

COPY MAILED
APR 28 2006
OFFICE OF PETITIONS

In re Application of :
Kenichi Nishiuchi, et al. :
Application No. 10/873,970 : ON PETITION
Filed: June 22, 2004 :
Attorney Docket No.: 10873.78USD5 :

This is a decision on the petition, filed April 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 February 27, 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 2627 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
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Date : April 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) : Kenichi Nishiuchi, et al.
Application No. : 10/873,970
Filed : June 22, 2004

The above-identified application has been assigned Patent No. 7,038,999 and an issue date of May 2, 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 May 2, 2006:

> "All reference to Patent No. 7,038,999 to KENICHI NISHIUCHI, ET AL. of JAPAN for MULTI-LAYER OPTICAL INFORMATION RECORDING MEDIUM WITH PITS OR GROOVES appearing in the Official Gazette of May 2, 2006, should be deleted since no patent was granted."

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: Paul Harrison, Crystal Park 3-44l (FAX-306-2737)
Deneise Boyd, Crystal Park 2, Suite 1100 (FAX-308-5413)
Mary Louise McAskill, Crystal Park 3-910 (FAX 305-4372)
Niomi Farmer, Crystal Park 3-9l0 (FAX-305-4372)
Mary E. Johnson (Cookie), P/OCS, CM1-6D07
Duane K.Davis, P/OCS, CM1-6A07
Tamara K. Greene, PK3-910

UNITED STATES PATENT AND TRADEMARK OFFICE

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GORDON & RAES LLP
101 WEST BROADWAY
SUITE 1600
SAN DIEGO, CA 92101

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MAY 17 2007

OFFICE OF PETITIONS

In re Application of :
Harvey J. Thompson :
Application No. 10/873,981 : DECISION ON PETITION
Filed: June 21, 2004 : TO WITHDRAW
Attorney Docket No. THOMPSON.1662 : 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 20, 2006.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Rudolf O. Siegesmund 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.

There is an outstanding Office action mailed October 27, 2006 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: HARVEY THOMPSON
1142 S. NEVADA STREET
OCEANSIDE, CA 92054

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/873,981	06/21/2004	Harvey J. Thompson	THOMPSON.1662

CONFIRMATION NO. 5726

OC000000023783407

27547
GORDON & RAES LLP
101 WEST BROADWAY, SUITE 1600
SAN DIEGO, CA 92101

Date Mailed: 05/09/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/20/2006.

- 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.

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199
FORMER ATTORNEY/AGENT COPY

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MICHAEL J. BUCHENHORNER
8540 S.W. 83 STREET
MIAMI FL 33143

MAILED

JAN 23 2009

OFFICE OF PETITIONS

In re Application of :
Chandrasekhar Narayanaswami et al. :
Application No. 10/874,022 : DECISION ON PETITION
Filed: June 22, 2004 :
Attorney Docket No. YOR920049US1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 11, 2008, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before August 18, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed November 18, 2008. Accordingly, the date of abandonment of this application is November 19, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1510 and the publication fee of $300, (2) the petition fee of $1620; and (3) a proper statement of unintentional delay.

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.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584.

This application is being referred to the Office of Data Management for processing into a patent.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

cc: Lynne D. Anderson
333 John Carlyle Street
Suite 635
Alexandria, VA 22314

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MOTOROLA INC.
600 NORTH US HIGHWAY 45
RM AS437
LIBERTYVILLE, IL 60048

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JUN 0 7 2006

OFFICE OF PETITIONS

In re Application of :
Frank H. Stone et al :
Application No. 10/874,062 : DECISION GRANTING PETITION
Filed: June 21, 2004 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. CS23974RL :

This is a decision on the petition, filed June 6, 2006, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on May 3, 2006 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3218.

This matter is being referred to Technology Center AU 2841 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\June9\874062.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).*

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Nikolai & Mersereau, P.A.
900 Second Avenue South
Suite 820
Minneapolis MN 55402

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NOV 23 2004

OFFICE OF PETITIONS

In re Application of :
Robert D. Krog :
Application No. 10/874,095 : DECISION GRANTING PETITION
Filed: June 22, 2004 :
Attorney Docket No. 20040279.ORI :

This is a decision on the petition filed September 30, 2004, requesting that the above-identified application be accorded a filing date of June 22, 2004.

On June 22, 2004, applicants deposited the above-identified application. On September 15, 2004, the Office of Initial Patent Examination mailed a "Notice of Incomplete Nonprovisional Application," stating that the application had not been accorded a filing date as the application was deposited without any drawings and that the filing date would be the date of receipt of the omitted items.

In response, on September 30, 2004, applicants filed the present petition, the petition fee, 5 sheets of drawings, and a date-stamped postcard receipt. The postcard acknowledged receipt of "one copy of five (5) sheets of formal patent drawings" on June 22, 2004.

Upon review of the record, 5 sheets of drawings, deposited on June 22, 2004, have not been located among the application papers. However, the evidence is convincing that the application papers deposited on June 22, 2004, included 5 sheets of drawings, which were subsequently misplaced in the United States Patent and Trademark Office. Therefore, the

application, including the 5 sheets of drawings, was complete on filing and will be granted a filing date of June 22, 2004.

Accordingly, the petition is granted.

The requirement to submit drawings set forth in the Notice of September 15, 2004, was sent in error and is hereby vacated. Accordingly, the $130.00 petition fee is unnecessary and will be credited to Deposit Account No. 08-1265.

The Office of Initial Patent Examination is directed to accord the above-identified application a filing date of June 22, 2004, using the 5 sheets of drawings submitted on petition, and to mail a corrected filing receipt. The Office records should indicate that 5 sheets of drawings were submitted on filing.

Any inquiries related to this decision should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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Polster, Lieder, Woodruff & Lucchesi, L.C.
12412 Powerscourt Dr. Suite 200
St. Louis, MO 63131-3615

Mail Date: 04/21/2010

Applicant	: Geoffrey Bishop	: DECISION ON REQUEST FOR
Patent Number	: 7662240	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/874,100	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/22/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1053** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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Polster, Lieder, Woodruff & Lucchesi, L.C.
12412 Powerscourt Dr. Suite 200
St. Louis, MO 63131-3615

Mail Date: 05/18/2010

Applicant : Geoffrey Bishop
Patent Number : 7662240
Issue Date : 02/16/2010
Application No: 10/874,100
Filed : 06/22/2004

: 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 **1123** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of patent term adjustment (PTA) days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days** from the mail date of this notice, whichever is longer, to file a request for reconsideration of this PTA calculation. See 35 U.S.C. § 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4).

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this PTA calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2), and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this PTA calculation, including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right of review of the USPTO's PTA determination in the United States District Court for the District of Columbia, patentee must ensure that the steps required under 35 U.S.C. § 154 (b)(4) are taken in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. § 154(b)(4).

UNITED STATES PATENT AND TRADEMARK OFFICE

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HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD, MA 01742-9133

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JUN 12 2007

OFFICE OF PETITIONS

In re Application of :
John E. Hoffmann, et al. :
Application No. 10/874,101 : DECISION ON PETITION
Filed: June 22, 2004 : TO WITHDRAW
Attorney Docket No. 2479.1070-001 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 8, 2007.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Hamilton, Brook, Smith & Reynolds, PC has been revoked by the assignee of the patent application on April 26, 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: VOLPE AND KOEING, PC
UNITED PLAZA, SUITE 1600
30 SOUTH 17TH STREET
PHILADELPHIA, PA 19103

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the **PATENT** of:	
Hoffmann et al.	
Patent No.:	7,447,187
Issued:	November 4, 2008
Appln. No.:	10/874,101
Confirmation No.:	5309
Filed:	June 22, 2004
For: REVERSE LINK PILOT INTEGRATED WITH BLOCK CODES	

Our File: TAN-2-1541.02.US

Date: January 30, 2009

APPROVED: /M.J./ (01/04/2010)

APPROVED: /M.J./ (01/04/2010)

REQUEST FOR CERTIFICATE OF CORRECTION

Certificate of Corrections Branch
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

A Certificate of Correction under 35 U.S.C. §§ 254, 255 and 37 C.F.R. §§1.322, 1.323 is requested for U.S. Patent No. 7,447,187. Correction of the following errors is requested.

IN THE SPECIFICATION

At column 1, line 17, after the word "unprecedented" delete "rates" and insert therefor --rate--.

At column 2, line 66, before the word "which" delete "in".

At column 4, line 17, after the words "connections to" delete "an" and insert therefor --and--.

At column 5, line 35, after the words "length of" delete "$_2$N" and insert therefor --2^N--.

At column 6, line 27, before the words "an upper" insert --in--.

At column 6, line 61, before the word "are" delete "parity**48**" and insert therefor --$parity_{48}$--.

At column 6, line 63, after the word "symbols" delete "pilot**1**, pilot**2**, pilot**3** and pilot**4**" and insert therefor --$pilot_1$, $pilot_2$, $pilot_3$ and $pilot_4$--.

At column 7, line 44, after the words "consisting of a" delete "pilot**1**" and insert therefor --$pilot_1$--.

REMARKS

Patentees believe that the above errors are of such a nature as to justify the issuance of a Certificate of Correction. Patentees have enclosed a completed Certificate of Correction Form PTO/SB/44.

Since at least one of the errors was caused by Applicants, please charge the surcharge fee pursuant to C.F.R. §1.20(a) of $100.00 to the Deposit Account of InterDigital Communications Corporation, Deposit Account No. 09-0435.

Patentees respectfully request that the Certificate of Correction be issued.

Respectfully submitted,

Hoffmann et al.

By /Robert D. Leonard/
Robert D. Leonard
Registration No. 57,204
(215) 568-6400

Volpe and Koenig, P.C.
United Plaza, Suite 1600
30 South 17th Street
Philadelphia, PA 19103

RDL/dcb

PTO/SB/44 (04-05)
Approved for use through 04/30/2007.
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. : 7,447,187

APPLICATION NO.: 10/874,101

ISSUE DATE : November 4, 2008

INVENTOR(S) : Hoffmann 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:

IN THE SPECIFICATION

At column 1, line 17, after the word "unprecedented" delete "rates" and insert therefor --rate--.

At column 2, line 66, before the word "which" delete "in".

At column 4, line 17, after the words "connections to" delete "an" and insert therefor --and--.

At column 5, line 35, after the words "length of" delete "$_2$N" and insert therefor --2^N--.

At column 6, line 27, before the words "an upper" insert --in--.

At column 6, line 61, before the word "are" delete "parity**48**" and insert therefor --parity$_{48}$--.

At column 6, line 63, after the word "symbols" delete "pilot**1**, pilot**2**, pilot**3** and pilot**4**" and insert therefor --pilot$_1$, pilot$_2$, pilot$_3$ and pilot$_4$--.

At column 7, line 44, after the words "consisting of a" delete "pilot**1**" and insert therefor --pilot$_1$--.

MAILING ADDRESS OF SENDER (Please do not use customer number below):
Volpe and Koenig, P.C.
United Plaza, Suite 1600
30 South 17th Street
Philadelphia, PA 19103

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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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Ryan, Mason & Lewis, LLP
Suite 205
1300 Post Road
Fairfield CT 06824

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MAR 25 2008

OFFICE OF PETITIONS

In re Application of
Hesdahl et al.
Application No. 10/874,149
Filed: June 22, 2004
Attorney Docket No. 1-3

: DECISION ON PETITION

This is a decision on the petition under the unavoidable provisions of 37 CFR 1.137(a), filed March 13, 2008, to revive the above-identified application. Petitioner has also requested consideration under 37 CFR 1.137(b).

The petition filed under 37 CFR 1.137(a) is **DISMISSED.**
The petition filed under 37 CFR 1.137(b) is **GRANTED**

This application became abandoned as a result of petitioner's failure to file an appeal brief (and fee required by 37 CFR 41.20(b)(2)) within the time period provided in 37 CFR 41.37(a) or one month from mailing of the Notice of Panel Decision From Pre Appeal Brief Review, whichever is greater. As an appeal brief (and appeal brief fee) was not filed within one month of the decision on the Notice of Panel Decision From Pre Appeal Brief Review mailed on June 19, 2007, and no extensions of time under the provisions of 37 CFR 1.136(a) were obtained, the appeal was dismissed. Accordingly, this application became abandoned on July 20, 2007. A Notice of Abandonment was mailed on January 17, 2008.

Petitioner maintains that the submission of an appeal brief and fee were unavoidably delayed due to the failure to receive the Notice of Panel Decision From Pre Appeal Brief Review mailed on June 19, 2007. Petitioner contends an appeal brief and fee were further delayed due to Human error. Counsel's assistant failed to notice the decision on the Notice of Panel Decision From Pre Appeal Brief Review in the PAIR transaction History.

Pursuant to petitioner's requests, deposit account no. 50-0762 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).

Petitioner's argument has been considered but deemed unpersuasive. 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.

Although petitioner has stated the Notice of Panel Decision From Pre Appeal Brief Review was not received and files were reviewed, petitioner has failed to describe the system for recording an Office action received at the correspondence address of record. Petitioner has not provided evidence that any docket system, which may exist, is sufficiently reliable. Further petitioner has also failed to provide any docket records.

The fact that a delay was caused by "human error" does not, *ipso facto*, establish unavoidable delay. For example, "human error" in the form of careless mistakes or the result of a lack of knowledge of USPTO practices and procedures would not establish unavoidable delay. See, e.g., *Haines*, 673 F. Supp. at 317, 5 USPQ2d at 1132; *Vincent v. Mossinghoff*, 230 USPQ 621, 624 (D.D.C. 1985); *Smith v. Diamond*, 209 USPQ 1091 (D.D.C. 1981); *Potter v. Dann*, 201 USPQ 574 (D.D.C. 1978); *Ex parte Murray*, 1891 Dec. Comm'r Pat. 130, 131 (1891).

As set forth in MPEP 711.03(c), a delay resulting from an error on the part of an employee in the performance of a clerical function may provide the basis for a showing of "unavoidable" delay, provided it is shown :

> *A) the error was the cause of the delay;*
>
> *B) there was in place a business routine for performing the clerical its performance; and*
>
> *C) the employee was sufficiently trained and experienced with*

regard to the function and routine for its performance that reliance upon such employee represented the exercise of due care.

Petitioner has failed to provide evidence that there was a business routine for performing review of PAIR transactions, which could reasonably be relied upon. Petitioner has failed to state counsel's assistant was trained, experienced and well supervised for the clerical duty in question.

Accordingly, petitioner has failed to provide sufficient evidence to establish the failure to submit the appeal brief and accompanying fee was unavoidably delayed.

PETITION FILED UNDER 37 CFR 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 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).

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 an appeal brief and fee, (2) the petition fee of $1540.00, and (3) a proper statement of unintentional delay.

This application is being referred to Technology Center AU 2612 for appropriate action by the Examiner in the normal course of business on the reply received

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

Charlema Grant

Charlema Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C.
P.O. BOX 398
AUSTIN, TX 78767-0398

COPY MAILED

FEB 22 2006

OFFICE OF PETITIONS

In re Application of :
Zalkin, et al. :
Application No. 10/874,151 :
Filed: June 22, 2004 :
Attorney Docket No. 5310-06000 :

ON PETITION

This is a decision on the petition under 37 CFR 1.10(c), filed July 25, 2005, requesting that the above-identified application be accorded a filing date of June 22, 2004, rather than the presently accorded filing date of June 21, 2004. The petition was recently forwarded to this office for consideration.

Petitioners allege that the application was deposited in Express Mail service on June 22, 2004. In support, the petition is accompanied by a copy of Express Mail Receipt No. EV325444604US (the same Express Mail number found on the original application papers located in the official file) showing a "date in" of June 2, 2004. However, the Express Mail label also contains a USPS postmark stamp dated June 22, 2004. Additionally, this office has obtained a copy of the "USPS Track & Confirm" results for Express Mail Receipt No. EV325444604US, which indicates the item was placed in Express Mail service on June 22, 2004.

In view of the above, the evidence is convincing that the application was deposited as "Express Mail" with the U.S. Postal Service on June 22, 2004.

As such, the petition is **GRANTED**.

Accordingly, the application is entitled to a filing date of June 22, 2004.

The application is being returned to the Office of Initial Patent Examination for processing with a filing date of June 22, 2004 and issuance of a corrected filing receipt.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3228.

Edward J. Tannouse
Petitions Attorney
Office of Petitions/Patent
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/874,151	06/22/2004	3721	460	5310-06000	6	20	3

CONFIRMATION NO. 4596

35690
MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C.
P.O. BOX 398
AUSTIN, TX 78767-0398

CORRECTED FILING RECEIPT

OC000000018143979

Date Mailed: 02/27/2006

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)

Daniel Zalkin, Saint Laurent Du Tencement, FRANCE;
Laurent Ostrowski, Menneval, FRANCE;
Philippe Matthys, Montreuil L'Argille, FRANCE;

Power of Attorney: The patent practitioners associated with Customer Number **35690**.

Domestic Priority data as claimed by applicant

Foreign Applications

FRANCE FR 0307557 06/23/2003

If Required, Foreign Filing License Granted: 08/07/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/874,151

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Container capping control device and method and associated machine

Preliminary Class

053

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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Paper No. None

CERMAK & KENEALY LLP
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MAY 17 2006
OFFICE OF PETITIONS

In re Application of :
Peter Flohr and Christian Oliver Paschereit :
Application No. 10/874,161 : DECISION ON PETITION
Filed: June 24, 2004 : UNDER 37 C.F.R. §1.47(a)
Attorney Docket Number: 003-140 :
Title: BURNER WITH STEPPED FUEL :
INJECTION :

This is in response to the petition under 37 C.F.R. §1.47(a)[1], filed October 18, 2004.

The Office regrets the period of delay in issuing this decision.

The above-identified application was filed on June 24, 2004, identifying Peter Flohr and Christian Oliver Paschereit as joint inventors. No oath or declaration was submitted on filing. On August 16, 2004, a "Notice to File Missing Parts of Nonprovisional Application – Filing Date Granted" was mailed, indicating that an executed declaration would be required, along with the surcharge associated with the late filing of the same. The notice set a two-month period for response.

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.

With the present petition, Petitioner has included the petition fee, a declaration which has been executed by Peter Flohr, the surcharge associated with the late submission of the same, proof that a copy of the entire application was sent to the non-signing inventor for review, and proof that the non-signing inventor refuses to join in the application.

Therefore, the petition is **GRANTED** and this application is hereby accorded Rule §1.47(a) status.

As provided in Rule 1.47(a), this Office will forward notice of this application's filing to the non-signing inventor at the address given on the declaration. Notice of the filing of this application will also be published in the Official Gazette.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

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Christian Oliver Paschereit
Lohengrinstrasse 29
D-14109 Berlin
GERMANY

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MAY 17 2006
OFFICE OF PETITIONS

In re Application of
Peter Flohr and Christian Oliver Paschereit
Application No. 10/874,161
Filed: June 24, 2004
Attorney Docket Number: 003-140
Title: BURNER WITH STEPPED FUEL INJECTION

LETTER

Dear Mr. Paschereit:

You are named a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application, you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, the attorney of record below would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3225. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

cc: CERMAK & KENEALY LLP
515 E. BRADDOCK RD
SUITE B
ALEXANDRIA VA 22314

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CALGARY AB T2R 1J3 CA CANADA

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JUN 20 2006

OFFICE OF PETITIONS

In re Application of :
John R. McKenzie :
Application No. 10/874,165 : DECISION ON PETITION
Filed: June 24, 2004 : TO MAKE SPECIAL UNDER
Attorney Docket No. 2243-002 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 27, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a copy of Inventor John R. McKenzie's birth certificate showing that he is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at 571-272-3210.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3749 for action on the merits commensurate with this decision.

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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MAY 25 2007

OFFICE OF PETITIONS

In re Application of :
Naofumi Sakai :
Application No.10/874,168 : DECISION GRANTING PETITION
Filed: June 24, 2004 :
Attorney Docket No. 024808-00020 :

This is a decision on the petition filed December 7, 2004, requesting that the above-identified application retain the presently accorded a filing date of June 24, 2004, with page 111 of the specification, as part of the original disclosure.

On June 24, 2004, the above-identified application was filed. On November 22, 2004, the Office of Initial Patent Examination mailed a "Notice of Omitted Items of Nonprovisional Application" (the "Notice"), stating that the application had been accorded a filing date of June 24, 2004, however, page 111 of the specification, appeared to have been omitted. The Notice allowed a non-extendable two-month period for reply beginning from the mailing date of the Notice.

In response, on December 7, 2004, applicants filed the present petition and a copy of an Office date-stamped postcard showing that, among other items, 112 pages of the specification (including claims and abstract) were received on June 24, 2004.

Upon review of the record, page 111 has not been located among the application papers. However, the evidence is convincing that the application papers deposited June 24, 2004, included page 111 of the specification, which was subsequently misplaced by the Office. Therefore, the application, including page 111 of the specification was complete on filing and entitled to the presently accorded filing date of June 24, 2004.

Accordingly, the petition is granted; the Notice is vacated, accordingly.

The application file is being returned to the Office of Initial Patent Examination for further processing with the presently accorded filing date of June 24, 2004, including page 111 of the specification.

Any inquiries related to this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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Margaret A. Rainey
139 Cypress Road
Byram MS 39272

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JUN 0 6 2007

OFFICE OF PETITIONS

In re Application of	:	
Margaret A. Rainey	:	
Application No.: 10/874188	:	DECISION ON
Filing or 371(c) Date: 06/24/2004	:	PETITION
Title of Invention:	:	
HELMET HAVING AUDIO FEATURES	:	

This is a decision in response to the correspondence, filed December 1, 2006, asserting that a reply to an Office action mailed March 29, 2006, was filed on September 27, 2006, including the appropriate extension of time fees. The correspondence is properly treated as a petition to withdraw the holding of abandonment under 37 CFR 1.181. The delay in treating this petition is regretted.

This Petition is hereby **dismissed**.

Any further petition must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under [insert the applicable code section]." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

Background

The above-identified application became abandoned for failure to timely and properly reply to the non-final Office action, mailed March 29, 2006. The Office action set a three (3) month period for reply. Extensions of time were available under 37 CFR 1.136(a). No reply having been received, the application became abandoned September 30, 2006. A Notice of Abandonment was mailed November 16, 2006.

The present petition

Applicant files the present petition and asserts that a reply to an Office action mailed March 29, 2006, was filed on September 27, 2006, including the appropriate extension of time fees. In support of this assertion Applicant states that she received a confirmation that this Office received her documents on September 27, 2006. No copy of the confirmation has been filed.

Applicable Law, Rules and MPEP

The MPEP, 711.03(c), Petition To Withdraw Holding of Abandonment Based on Evidence That a Reply Was Timely Mailed or Filed, states:

> 37 CFR 1.10(c) through 1.10(e) and 1.10(g) set forth procedures for petitioning the Director of the USPTO to accord a filing date to correspondence as of the date of deposit of the correspondence as "Express Mail." A petition to withdraw the holding of abandonment relying upon a timely reply placed in "Express Mail" must include an appropriate petition under 37 CFR 1.10(c), (d), (e), or (g) (see MPEP § 513). When a paper is shown to have been mailed to the Office using the "Express Mail" procedures, the paper must be entered in PALM with the "Express Mail" date.
> Similarly, applicants may establish that a reply was filed with a postcard receipt that properly identifies the reply and provides prima facie evidence that the reply was timely filed. See MPEP § 503. For example, if the application has been held abandoned for failure to file a reply to a first Office action, and applicant has a postcard receipt showing that an amendment was timely filed in response to the Office action, then the holding of abandonment should be withdrawn upon the filing of a petition to withdraw the holding of abandonment. When the reply is shown to have been timely filed based on a postcard receipt, the reply must be entered into PALM using the date of receipt of the reply as shown on the post card receipt.
>
> Where a certificate of mailing under 37 CFR 1.8, but not a postcard receipt, is relied upon in a petition to withdraw the holding of abandonment, see 37 CFR 1.8(b) and MPEP § 512. As stated in 37 CFR 1.8(b)(3) the statement that attests to the previous timely mailing or transmission of the correspondence must be on a personal knowledge basis, or to the satisfaction of the Director of the USPTO. If the statement attesting to the previous timely mailing is not made by the person who signed the Certificate of Mailing (i.e., there is no personal knowledge basis), then the statement attesting to the previous timely mailing should include evidence that supports the conclusion that the correspondence was actually mailed (e.g., copies of a mailing log establishing that correspondence was mailed for that application). When the correspondence is shown to have been timely filed based on a certificate of mailing, the correspondence is entered into PALM with the actual date of receipt (i.e., the date that the duplicate copy of the papers was filed with the statement under 37 CFR 1.8).
> 37 CFR 1.8(b) also permits applicant to notify the Office of a previous mailing or transmission of correspondence and submit a statement under 37 CFR 1.8(b)(3) accompanied by a duplicate copy of the correspondence when a reasonable amount of time (e.g., more than one month) has elapsed from the time of mailing or transmitting of the correspondence. Applicant does not have to wait until the application becomes abandoned before notifying the Office of the previous mailing or transmission of the correspondence. Applicant should check the private Patent Application Information Retrieval (PAIR) system for the status of the correspondence before notifying the Office. See MPEP § 512.

Analysis

Applicant has failed to demonstrate compliance with 37 CFR 1.10 (filing of the correspondence by Express Mail), or 37 CFR 1.8 (filing of correspondence using the certificate of mail procedures). As such, Applicant has failed to demonstrate that a reply to the Office action was timely filed.

Applicant asserts that a timely reply was filed was filed on September 27, 2006, including the appropriate extension of time fees. However, a review of Office records reveals that a reply to the Office action was filed on December 1, 2006. Applicant states that she received a confirmation that this Office received her documents on September 27, 2006. However, Applicant is advised that, in order for correspondence to have been considered timely filed, Applicant must demonstrate compliance with either 37 CFR 1.8 or 37 CFR 1.10 outlined above. Applicant has not demonstrated compliance with either of the code sections in this petition.

A review of office finance records reveal that this Office received the fee for a two (2) month extension of time on June 28, 2006, and the fee for a one month extension of time on August 25, 2006.

Assuming, arguendo, that Applicant is able to demonstrate compliance with either 37 CFR 1.8 or 37 CFR 1.10, an extension of time of three (3) months was also required. Applicant submitted the fee for a two (2) month extension of time ($225), on June 28, 2006, and the fee for a one month extension of time ($60), on August 25, 2006, for a total of $285. Applicant is advised that the fee for a three (3) month extension of time is $510.00. As such, Applicant failed to file a complete and proper reply (the reply and the appropriate extension of time fee). Applicant is also advised that the extension of time request and fee should be submitted with the reply, and not in advance of the reply.

The petition is dismissed without prejudice. Applicant should file a "Request for Reconsideration of Petition" and include evidence of compliance with either 37 CFR 1.8 or 37 CFR 1.10, along with evidence that the appropriate extension of time request and fee was included with the reply or present in the office when the reply was filed.

If Applicant is unable to demonstrate compliance with the rules, an alternate avenue of relief is available.

Alternate Venue

Applicant is strongly advised to file a petition to revive the application based upon an unintentional abandonment. 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 was "unavoidable." An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the required fee, currently $750.00 for a small entity.

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 can not 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 revive under 37 CFR 1.137(b).

Further correspondence with respect to this matter should be addressed as follows:

By mail:	Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450
By FAX:	(571) 273-8300 Attn: Office of Petitions
By hand:	Customer Service Window Randolph Building 401 Dulany Street Alexandria, VA 22314

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Margaret A. Rainey
139 Cypress Road
Byram MS 39272

COPY MAILED

OCT 15 2007

OFFICE OF PETITIONS

In re Application of
Margaret A. Rainey
Application No.: 10/874188
Filing or 371(c) Date: 06/24/2004
Title of Invention:
HELMET HAVING AUDIO FEATURES

DECISION ON
PETITION

This is a decision in response to the Renewed Petition", filed August 3, 2007, and re-filed August 21, 2007, in response to a Decision dismissing a petition to withdraw the holding of abandonment. The correspondence is properly treated as a renewed petition to withdraw the holding of abandonment under 37 CFR 1.181.

This Petition is hereby **dismissed**.

Any further petition must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under [insert the applicable code section]." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

Background

The above-identified application became abandoned for failure to timely and properly reply to the non-final Office action, mailed March 29, 2006. The Office action set a three (3) month period for reply. Extensions of time were available under 37 CFR 1.136(a). No reply having been received, the application became abandoned September 30, 2006. A Notice of Abandonment was mailed November 16, 2006.

The December 1, 2006 petition

Applicant files a petition to withdraw the holding of abandonment on December 1, 2006, wherein she asserted that a reply to an Office action mailed March 29, 2006, was filed on September 27, 2006, including the appropriate extension of time fees. In support of this assertion Applicant stated that she received a confirmation that this Office received her documents on September 27, 2006. No copy of the confirmation was been filed.

The June 6, 2007 Decision on Petition

In a Decision mailed June 6, 2007, Applicant was informed that, in order to demonstrate timeliness, Applicant must demonstrate compliance with either 37 CFR 1.8 or 37 CFR 1.10 (outlined in the Decision). Applicant had not demonstrated compliance with either of the code sections.

Also, a review of office finance records revealed that this Office received the fee for a two (2) month extension of time on June 28, 2006, and the fee for a one month extension of time on August 25, 2006. An extension of time of three (3) months was required. Applicant submitted the fee for a two (2) month extension of time ($225), on June 28, 2006, and the fee for a one month extension of time ($60), on August 25, 2006, for a total of $285. Applicant was advised that the fee for a three (3) month extension of time is $510.00. As such, Applicant had failed to file a complete and proper reply (the reply and the appropriate extension of time fee). (Applicant was also advised that the extension of time request and fee should be submitted with the reply, and not in advance of the reply).

Assuming, arguendo, that Applicant was able to demonstrate compliance with either 37 CFR 1.8 or 37 CFR 1.10, an extension of time of three (3) months was also required. Applicant was advised that if she was unable to demonstrate compliance with the rules, an alternate avenue of relief in the form of a petition under 37 CFR 1.137(b) was available.

The present renewed petition

Applicant files the present renewed petition and encloses a copy of an Express Mail Mailing label no. EQ640820606US which includes a "Date-In" of September 26, 2006. A review of the copy of the papers putatively filed Express Mail reveals that the Express Mail Label No., was not placed on any of the putatively filed papers.

As to the extensions of time, states that she thought she only needed a two month extension of time, and she realized that she needed an additional month to complete her response to the Office action. She states that this Office never tried to return her money, and never informed her that that she had not paid enough money.

Applicable Law, Rules and MPEP

37 CFR § 1.135, Abandonment for failure to reply within time period, states:

> (b) Prosecution of an application to save it from abandonment pursuant to paragraph (a) of this section must include such complete and proper reply as the condition of the application may require. The admission of, or refusal to admit, any amendment after final rejection or any amendment not responsive to the last action, or any related proceedings, will not operate to save the application from abandonment.

Analysis

As stated in the June 6, 2007 Decision,

> "[a]ssuming, arguendo, that Applicant is able to demonstrate compliance with either 37 CFR 1.8 or 37 CFR 1.10, an extension of time of three (3) months was also required. Applicant submitted the fee for a two (2) month extension of time ($225), on June 28, 2006, and the fee for a one month extension of time ($60), on August 25, 2006, for a total of $285. Applicant is advised that the fee for a three (3) month extension of time is $510.00. As such, **Applicant failed to file a complete and proper reply (the reply and the appropriate extension of time fee).**

Applicant is advised that, while this Office attempts to notify Applicant's of deficiencies in filing papers and fees with this Office, it is Applicant's responsibility to file a complete and proper reply to the Office action as the condition of the case requires. The failure to receive notice of a deficient reply will not shift the burden of filing a complete and proper reply to this Office.

After a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Commissioner. Therefore, it is extremely important that petitioner supply **any** and **all** relevant information and documentation with his request for reconsideration. The Director's decision will be based solely on the administrative record in existence.

Alternate Venue

Applicant is again strongly advised to file a petition to revive the application based upon an unintentional abandonment. 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 was "unavoidable." An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the required fee, currently $770.00 for a small entity.

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 can not 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 revive under 37 CFR 1.137(b).

Applicant is advised the Office fees increased effective September 30, 2007. The small entity fee for a petition to revive an unintentionally abandoned increased to $770.00. Because the extension of time fees were insufficient, and the application went abandoned, Applicant may request a refund of the fees, or request that this office apply those fees towards the fee for a petition to revive.

Applicant is advised that a list of registered practitioners is available at www.uspto.gov/main/patents. Applicant is further advised that there are two Offices here available to provide assistance: the Office of Independent Inventors, at 703-306-5568; and the Patent Assistance Center, at 1-800-786-9199, for assistance in prosecuting her patent application.

Further correspondence with respect to this matter should be addressed as follows:

By mail:	Director for Patents PO Box 1450 Alexandria, VA 22313-1450
By FAX:	(571) 273-8300 Attn: Office of Petitions
By hand:	Customer Service Window Randolph Building 401 Dulany Street Alexandria, VA 22314

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICE

Christian Lefort
1164 Chemin de Patriotes Ouest
St-Jean-sur-Richelieu QC J2Y 1H4 CA CANADA

In re Application of :
LEFORT, CHRISTIAN : Application No. 10/874204
: **DECISION ON PETITION**
Filed: 6/24/04 :

This is a decision on the Petition To Rescind Abandonment 37 C.F.R.§ 1.181, received in the United States Patent and Trademark Office (USPTO) via facsimile transmission on August 22, 2007 for the above-identified Application.

The Notice of Rescinded Abandonment mailed August 23, 2007 was incorrect and hereby **VACATED.**

The petition is **DISMISSED**. Any request for reconsideration of this decision, or as explained below, filing a petition seeking revival under 37 CFR § 1.137, must be filed within TWO MONTHS (2) from the mail date of this decision.

Review of the application file reveals that, on July 20, 2005 the Notice Of Withdrawal From Issue Under 37 CFR 1.313(b) was mailed, indicating that the application is withdrawn from issue after payment of the issue fee to determine patentability. See 37 CFR 1.313(b)(1). The Notice further indicates that, if the application is again found allowable, the issue fee paid can be applied toward the new Notice of Allowance, which was mailed on November 28, 2005 upon written request.

The request to apply the issue fee to the new Notice could have been satisfied by simply completing and returning the new Issue Fee Transmittal Form PTOL-85B.

Also, Petitioner appears to not have read the bold text in the new Notice of Allowance and Fee(s) Due, which states:

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THE APPLICATION. THE PTOL-85B (0R AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

Failure to submit the PTOL-85B, Fee(s) Transmittal resulted in the proper abandonment of the application.

Petitioner may seek relief by filing a Petition for Revival of Abandoned Application under 37 CFR § 1.137 (a) or (b). (Forms are available at USPTO website http://www.uspto.gov)

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

Telephone inquires relating to this matter may be directed to the Office of Petitions at 571-272-4200.

Kendrick Spruill
Office of the Director
Office of Patent Publications

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CHRISTIAN LEFORT
1164 CHEMIN DE PATRIOTES OUEST
ST-JEAN-SUR-RICHELIEU QC J2Y 1H4 CA CANADA

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OCT 29 2007

OFFICE OF PETITIONS

In re Application of	:	
Christian Lefort	:	
Application No. 10/874,204	:	ON PETITION
Filed: June 24, 2004	:	
Attorney Docket No. IQ-LEFORT	:	

This is a decision on the petition to revive an unintentionally abandoned application under 37 CFR 1.137(b), filed September 24, 2007.

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 Notice of Allowance mailed November 28, 2005. This notice set a statutory period for reply of three (3) months. No response having been received, the application became abandoned on March 1, 2006. A Notice of Abandonment was mailed on April 6, 2006.

With the instant petition, applicant filed a response in the form of a completed issue fee transmittal form, made the proper statement of unintentional delay, and paid the petition fee.

The matter is being forwarded to the Office of Patent Publication 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
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Alexandria, VA 22313-1450
www.uspto.gov

Lucas & Mercanti, LLP
475 Park Avenue South
15th Floor
New York, NY 10016

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MAY 06 2009

OFFICE OF PETITIONS

In re Application of :
Li-Lan H. Chen et al. :
Application No. 10/874,223 : DECISION ON PETITION
Filed: June 24, 2004 : TO WITHDRAW
Attorney Docket No. 366325-505C1 : 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 10, 2006.

The request is **moot because a revocation of power of attorney has been filed**.

A review of the file record indicates that the power of attorney to Daniel M. Becker and all attorneys/agents of record have been revoked by the assignee of the patent application on May 11, 2006. 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: James L. Osbourne PHD
Lavipharm Laborities, Inc.
69 Princeton Highstown Road
East Windsor, NJ 08520

UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PETITIONS

DICKSTEIN SHAPIRO LLP
1825 EYE STREET NW
WASHINGTON, DC 20006-5403

In re Application of :
Norihito Yanagita et al :
Application No. 10/874,225 : ON PETITION
Filed: June 24, 2004 :
Attorney Docket No. A8319.0051/P051

This is a decision on the petition, filed May 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 May 1, 2008 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 2875 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

Irvin Dingle
Petitions Examiner
Office of Petitions

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

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DICKSTEIN SHAPIRO LLP
1825 EYE STREET NW
WASHINGTON, DC 20006-5403

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DEC 19 2006
OFFICE OF PETITIONS

In re Application of :
John T. Moore, et al. :
Application No. 10/874,226 : DECISION GRANTING PETITION
Filed: June 24, 2004 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. M4065.0608/P608-C :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed December 15, 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 1, 2006 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries regarding this decision should be directed to April Wise at (571) 272-1642.

This application is being referred to Technology Center AU 2823 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Frances M. Hicks
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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NOV 22 2005

TECHNOLOGY CENTER 3600

Robert E. Bushnell
Suite 300
1522 K Street, N.W.
Washington DC 20005

In re Application of :
Choon-Kyung Kim et al :
Application No. 10/874,235 :
Filed: March 9, 2001 :
For: METHOD FOR RECOGNIZING STEP MOVEMENT SEQUENCE OF CONTROL ROD DRIVE MECHANISM OF NUCLEAR REACTOR

DECISION ON PETITION UNDER 37 C.F.R. 1.181

This is a decision on applicants' petition under 37 CFR 1.181 Filed October 8, 2005 requesting the withdrawal of the requirement to label Figure 1 as "Prior Art".

The petition is **DENIED**.

Review of applicants' Figure 1 and a search of the relevant art revealed US 5,076,996. Figure 11 of US 5,076,996 (attached) is labeled "Prior Art". Figure 11 of US 5,076,996 and applicant's figure 1 (attached) are considered to be similar/equivalent. Based on Figure 11 of US 5,076,996 applicants' Figure 1 should be labeled "Prior Art".

It is noted that in conjunction with the petition applicants submitted drawing changes to Figure 1 to label said Figure 1 as "Prior Art".

Any questions or comments with respect to the decision should be forwarded to Supervisory Patent Examiner, Jack Keith at (571) 272-6878.

Donald T. Hajec, Director
Patent Technology Center 3600
(571) 272-5150

DTH/jwk: 11/9/05

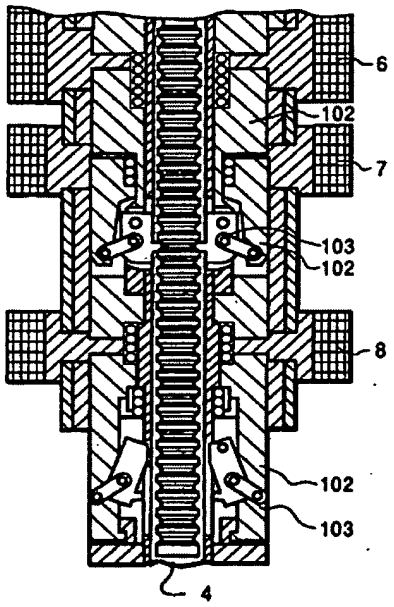
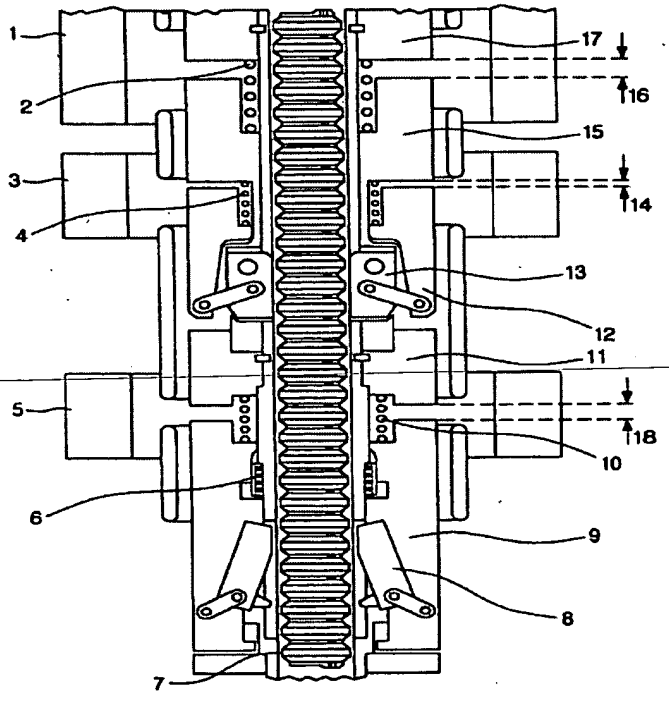


FIG. 11
PRIOR ART

10/874235

Fig. 1



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MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.
1800 Diagonal Road
Suite 370
Alexandria, VA 22314

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DEC 1 5 2005

Technology Center 2100

In re Application of:
Takashi HORIUCHI
Application No. 10/874,247
Filed: June 24, 2004
For: BACKUP SYSTEM AND METHOD AND PROGRAM

DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the petitions, filed on August 02, 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 02, 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

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RIDOUT & MAYBEE LLP
225 KING STREET WEST
10TH FLOOR
TORONTO ON M5V 3M2 CA CANADA

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JAN 20 2010

In re Patent No. 7,570,655 :
Issue Date: August 4, 2009 :
Application No. 10/874,277 : DECISION ON PETITION
Filed: June 24, 2004 :
Attorney Docket No. 42783-0069 :

This is a decision on the petition under 37 CFR 1.182, filed October 30, 2009, requesting issuance of a duplicate Letters Patent for the above-identified patent.

The petition is **GRANTED**.

Therefore, the $400 fee for the petition under 37 CFR 1.182 has been assessed to petitioner's deposit account as authorized.

The Publishing Division is directed to issue a duplicate Letters Patent.

Telephone inquiries concerning this decision may be directed to Alicia Kelley at (571) 272-6059. Inquiries regarding the issuance the duplicate Letters Patent may be directed to Niomi Farmer in the Office at Data Management at (703) 756-1556.

A copy of this decision is being faxed to the Office of Data Management for issuance of a duplicate Letters Patent.

Chris Bottorff
Petitions Examiner
Office of Petitions

cc: Niomi Farmer, RSQ, 9th Floor, Room D30-B. (Fax No. (703) 756-1556)

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UNITED STATES DEPARTMENT OF COMMERCE
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Ridout & Maybee LLP
225 King Street West
10th Floor
Toronto, ON M5V 3M2
CANADA

Mail Date: 04/20/2010

Applicant	: Ahmed Hassan	: DECISION ON REQUEST FOR
Patent Number	: 7570655	: RECALCULATION of PATENT
Issue Date	: 08/04/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/874,277	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/24/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1441** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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MAIER & MAIER, PLLC
1000 DUKE STREET
ALEXANDRIA VA 22314

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APR 22 2010

OFFICE OF PETITIONS

In re Application of	:	
Schena et al.	:	
Application No. 10/874,294	:	ON PETITION
Filed : June 21, 2004	:	
Attorney Docket No. SCHENA-001-US	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed February 24, 2010, 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 (PTO/SB/130 form) by the applicant's attorney that applicant is 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7751. 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 3761 for action on the merits commensurate with this decision.

Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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MICHAEL L. DIAZ, P.C.
555 REPUBLIC DRIVE, SUITE 200
PIANO TX 75074

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OFFICE OF PETITIONS

In re Application of	:	
Cordina et al.	:	
Application No. 10/874,295	:	ON PETITION
Filed: June 21, 2004	:	
Attorney Docket No. 5014-0003	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed May 30, 2006, to revive the above-identified application.

The petition is **GRANTED.**

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of 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) 272-3282.

Liana Chase
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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SUGHRUE-265550
2100 PENNSYLVANIA AVE., NW
WASHINGTON DC 20037-3213

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JUN 26 2009

OFFICE OF PETITIONS

In re Application of	:	
Yoshio Terada et al	:	
Application No. 10/874,310	:	DECISION GRANTING PETITION
Filed: June 24, 2004	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. Q82288	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed June 25, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on June 24, 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 1794 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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UNITED STATES DEPARTMENT OF COMMERCE
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THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
600 GALLERIA PARKWAY, S.E.
STE 1500
ATLANTA, GA 30339-5994

Mail Date: 04/21/2010

Applicant	: Patrick Duvaut	: DECISION ON REQUEST FOR
Patent Number	: 7653138	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/874,329	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/24/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1605** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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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:
KABAYASHI et al.
Application No. 10/874,330
Filed: June 24, 2004
For: STORAGE NETWORK SYSTEM AND
CONTROL METHOD THEREOF

DECISION ON PETITION
TO MAKE SPECIAL

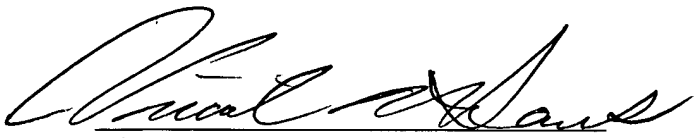
This is a decision on the petitions, filed on September 02, 2005 under 37 C.F.R. §102(d) and M.P.E.P. § 708.02(VIII): Accelerated Examination, to make the above-identified application special.

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 02, 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

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September 2005

DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP
2101 L STREET NW
WASHINGTON, DC 20037-1526

SEP 0 7 2005

In re Application of:
KENSUKE AMEMIYA ET AL.
Serial No.: 10/874,343
Filed: 24 June 2004
Docket: AB319.0053/P053

DECISION ON PETITION TO MAKE SPECIAL UNDER 37 C.F.R. § 1.102(d) [CANCER]

This is a decision on the petition filed on March 29, 2005, to make the above-identified application special under the accelerated examination procedure set forth in MPEP § 708.02(X) 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; and b) a statement explaining how the invention contributes to the diagnosis of cancer.

For accelerated examination under MPEP § 708.02(X) in accordance with 37 C.F.R. § 1.102(d), a petition with the following showing is required: a) the applicable petition fee; and b) a statement explaining how the invention contributes to the treatment, prevention, or diagnosis of cancer.

The requirements of MPEP § 708.02(X) are considered to have been met. 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.

The application file is being forwarded to the examiner for expedited prosecution.

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.

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

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DICKSTEIN SHAPIRO LLP
1825 EYE STREET NW
WASHINGTON, DC 20006-5403

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JAN 06 2009

OFFICE OF PETITIONS

In re Application of :
Yuuichirou **UENO, et al.** :
Application No. 10/874,359 : DECISION GRANTING PETITION
Filed: June 24, 2004 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **A8319.0052/P052** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed December 31, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on December 18, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 2884 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON, VA 22209-9889

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OCT 0 8 2004

OFFICE OF PETITIONS

In re Application of :
Yoneya, et al. :
Application No. 10/874,375 : ON PETITION
Filed: June 24, 2004 :
Attorney Docket No. 500.35425CC3 :

This is a decision on the papers styled, "Petition in Response to Omitted Item(s) In a Nonprovisional Application and Preliminary Amendment," filed August 23, 2004, which has been treated as a petition under 37 CFR 1.53 requesting that the above-identified application be accorded a filing date of June 24, 2004, without Figure 6C as described in the specification.

The application was filed on June 24, 2004. However, on August 18, 2004, the Office of Initial Patent Application mailed a "Notice Of Omitted Items" (Notice) that stated the application had been accorded a filing date, but Figure 6C as described in the specification appears to have been omitted.

In response, on August 23, 2004, the instant petition was submitted.

"Applicants submit that the drawings, as filed, properly illustrate the described invention and the description is inaccurate and has been amended herein to correspond to an Amendment under 37 CFR §1.312 submitted in the grandparent application, now U.S. Patent No. 5,928,733, in which the drawings of Fig. 6 were numbered as Fig. 6, Fig. 6A and Fig. 6B, but the amendments to the specification were inadvertently not carried forward in the chain of continuation applications, now U.S. Patent Nos. 6,242,060, 6,756,089 and the present continuation application. ... As is apparent, no items were omitted and only the drawings of Fig. 6 were misdescribed in the specification."

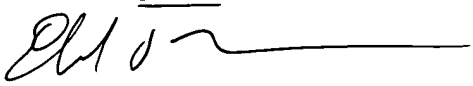
After review of the application file and the instant petition, it appears that no Figures were actually missing on June 24, 2004, and that applicants do not intend to file any additional sheets of drawings. Instead, the reference to Figure 6C in the specification appears to be a typographical error. Furthermore, applicant has filed a preliminary amendment to correct the error and remove the reference to Figure 6C. Therefore, the application will be processed and examined using the nine (9) sheets of drawings filed on June 24, 2004.

The Petition is granted.

However, please note, the "Notice" mailed August 18, 2004, was correct in advising applicants that the drawing of Figure 6C appeared to have been omitted. Therefore, the "Notice" was properly mailed and will not be withdrawn.

This application will be returned to OIPE for further processing with the presently accorded filing date of June 24, 2004, using the nine (9) sheets of drawings filed on that date.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3228.



Edward J. Tannouse
Petitions Attorney
Office of Petitions
United States Patent and Trademark Office

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OFFICE OF PETITIONS

In re Application of
Shibata, et al.
Application No. 10/874,394
Filed: June 24, 2004
Attorney Docket No. KAS-213

: DECISION ON PETITION
: UNDER 37 CFR 1.78(a)(3)

This is a decision on the petition under 37 CFR 1.78(a)(3), filed January 4, 2007, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the amendment filed with the petition.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 120 is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed application. In order for this application to be entitled to the

benefit of the prior-filed application, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional application, accompanies this decision on petition.

Petitioners were erroneously charged two surcharges. Petitioners' credit card will be refunded $1,370.00 in due course.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3230. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 3746 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed application.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

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United States Patent and Trademark Office
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APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	TOT CLMS	IND CLMS
10/874,394	06/24/2004	3746	1458	KAS-213	12	6

CONFIRMATION NO. 8058

CORRECTED FILING RECEIPT

OC000000024275955

24956
MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.
1800 DIAGONAL ROAD
SUITE 370
ALEXANDRIA, VA 22314

Date Mailed: 06/08/2007

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Takanori Shibata, Hitachinaka, JAPAN;
Shigeo Hatamiya, Hitachi, JAPAN;
Nobuhiro Seiki, Hikari, JAPAN;
Tomomi Koganezawa, Hitachi, JAPAN;
Katsuhiko Sagae, Hitachinaka, JAPAN;
Hidefumi Araki, Hitachi, JAPAN;

Power of Attorney:

Gene Stockman--21021
John Mattingly--30293
Jeffrey Ketchum--31174
Daniel Stanger--32846
Scott Brickner--34553
Shrinath Malur--34663

Domestic Priority data as claimed by applicant

This application is a CIP of 10/674,402 10/01/2003 PAT 6,772,596
which is a DIV of 10/080,556 02/25/2002 PAT 6,718,750

Foreign Applications

JAPAN 2001-225316 07/26/2001
JAPAN 2003-365412 10/27/2003

If Required, Foreign Filing License Granted: 06/07/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/874,394

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

GAS TURBINE INSTALLATION

Preliminary Class

060

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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JUN 27 2007

OFFICE OF PETITIONS

In re Application of
Shibata, et al.
Application No. 10/874,394
Filed: June 24, 2004
Attorney Docket No. KAS-213

: DECISION ON PETITION
: UNDER 37 CFR 1.55(c)

This is a decision on the petition under 37 CFR 1.55(c), filed January 4, 2007, to accept an unintentionally delayed claim under 35 U.S.C. § 119(a)-(d) for benefit of priority to the filing date of Japanese Application No. 2001-225316, filed July 26, 2001.

The petition is **DISMISSED AS MOOT**.

A review of the application filed on June 24, 2004 reveals that applicants claimed benefit of Japanese Application No. 2001-225316 in the specification filed on that date. It is noted that the original filing receipt listed Japanese Application No. 2001-225316 under foreign applications. Applicants are reminded that a foreign priority claim need not be in any special form and may be a statement signed by a registered attorney or agent.

The priority information has since been included in a declaration, filed on January 4, 2007. It is noted that a certified copy of the priority document was filed in application no. 10/080,556, filed February 25, 2002, which is the application that was the subject of a petition under 37 CFR 1.78(a)(3), filed on January 4, 2007. When the petition under 37 CFR 1.78(a)(3) was granted on June 11, 2007, applicants provided the Office with identification of a nonprovisional application filed within 12 months of the filing date of Japanese Application No. 20010225316.

In view of the above, the petition is dismissed as moot. Applicants claimed benefit to Japanese Application No. 2001-225316 when the present application was filed and applicants have since perfected the benefit claim by filing a declaration that contains the foreign priority information and identifying and claiming benefit of a nonprovisional application filed within 12 months of the July 26, 2001 filing of Japanese Application No. 2001-225316.
This application will be returned to the examiner of record

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3230.

All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 3746 for consideration by the examiner of applicants' entitlement to claim benefit of priority under 35 U.S.C. § 120 to Application No. 10/080,556, as discussed in the petition decision under 37 CFR 1.78(a)(3), mailed June 11, 2007.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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INTELLECTUAL PROPERTY ADMINISTRATION
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FORT COLLINS CO 80527-2400

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AUG 1 2 2004

OFFICE OF PETITIONS

In re Application of :
Jan Kok :
Application No. 10/874,401 : DECISION ACCORDING STATUS
Filed: June 23, 2004 : UNDER 37 CFR 1.47(b)
Attorney Docket No. 100201805-1 :

This decision is in response th the petition filed June 23, 2004 under 37 CFR 1.47(b).

The petition is **GRANTED**.

The above-identified application was filed June 23, 2004. Included with the application was the instant petition. The petition claims that the inventor has been provided with a copy of the application but that efforts to locate him to have the oath or declaration executed have been unsuccessful.

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.

Petitioners have shown that at one point they were in contact with the inventor by telephone and by email and that they discussed the application, but that later efforts to reach the inventor have been unsuccessful. Additional efforts by internet, telephone and email, have been employed however to locate the inventor but that after a diligent search, the non-signing inventor, Jan Kok, cannot be located. Specifically, the affidavit of Michael J. Fogarty, Attorney for the applicant, outlines the efforts employed to locate viable contact information for Mr. Kok. Mr. Fogarty's statement substantiates the claim that while diligent efforts have been made, the non-signing inventor Jan Kok cannot be located.

Additionally, petitioners have included the last known address for Mr. Kok, have shown proprietary interest by providing a copy of the "Employment Agreement" between the nonsigning inventor and Hewlett Packard, which shows that the inventor had an obligation to assign any patent rights to Hewlett Packard, has submitted a declaration in compliance with 37 CFR 1.63 and 1.64 and has demonstrated that such action is necessary to prevent irreparable damage.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(b). In view thereof, this application is hereby accorded Rule 1.47(b) 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.

The application is being forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (703) 305-4497.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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AUG 1 2 2004

OFFICE OF PETITIONS

JAN KOK
2006 CATKINS COURT
FORT COLLINS, CO 80528

In re Application of
Jan Kok
Application No. 10/874,401
Filed: June 23, 2004
For: SYSTEM AND METHOD FOR IDENTIFYING OBJECTS INTERSECTING A SEARCH WINDOW

Dear Mr. Kok:

You are named as the 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 Petitions Attorney at (703) 305-4497. Effective September 28, 2004, the telephone number for the Office of Petitions will be changed to (571) 272-3282. 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).

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

cc:
HEWLETT-PACKARD COMPANY
INTELLECTUAL PROPERTY ADMINISTRATION
P.O. BOX 272400
FORT COLLINS CO 80527-2400

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SEP 30 2004

OFFICE OF PETITIONS

In re Application of :
Jan Kok :
Application No. 10/874,406 : DECISION GRANTING PETITION
Filed: June 23, 2004 : UNDER 37 CFR 1.47(b)
For: SYSTEM FOR AND METHOD FOR :
STORING AN N-DIMENSIONAL OBJECT IN :
A DATA STRUCTURE

This is in response to the "Petition Under 37 CFR 1.47(b)," filed June 23, 2004.

The petition is granted.

Petitioner has shown that the non-signing inventor has refused to join in the filing of the above-identified application after having been presented with the application papers. Specifically, the declaration and statement of facts of Michael J. Fogaty, III establishes that the inventor was provided the application papers, including the specification, claims and drawings, but failed to respond to the request that he sign the declaration. In addition, petitioner has shown that Hewlett Packard has a proprietary interest in the above-identified application with the copies of the Employment Agreement and the Agreement(s) Regarding Confidential Information and Proprietary Developments, which show that the inventor had an obligation to assign any patent rights to Hewlett Packard. The petition fee will be charged to petitioner's deposit account no. 08-2025. Lastly, petitioner has submitted a declaration in compliance with 37 CFR 1.63 and 1.64 and demonstrated that 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 CFR 1.47(b). This application is hereby accorded Rule 1.47(b) status.

As provided in Rule 1.47(b), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the Declaration. Notice of the filing of this application will also be published in the Official Gazette.

The application 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 (703)306-9200

Edward J. Tannouse
Petitions Attorney
Office of Petitions
United States Patent and Trademark Office

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

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FEB 0 6 2008

OFFICE OF PETITIONS

BRINKS HOFER GILSON & LIONE
PO BOX 10395
CHICAGO IL 60610

In re
Lee, et al.
Application No. 10/874,416
Filed: June 23, 2004
Patent No. 7,304,709
Issued: December 4, 2007

: DECISION ON REQUEST
: FOR RECONSIDERATION OF
: PATENT TERM ADJUSTMENT
: UNDER 37 C.F.R. §1.705(d)

This letter is in response to the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT", filed January 10, 2008[1], requesting correction of the patent term adjustment (PTA) indicated on the patent due to the patent not issuing within three years of its filing.

The request for reconsideration of the patent term adjustment indicated on the patent is **DISMISSED**.

On December 4, 2007, the above-identified application matured into U.S. Patent No. 7,304,709. The patent issued with a Patent Term Adjustment of three hundred thirty-eight (338) days (467 days of PTO delay and 129 days of applicant delay).

[1] The request was timely in accordance with 37 C.F.R. §1.705(d). See Revision of Patent Term Extension and Patent Term Adjustment Provisions, Final Rule (April 22, 2004), 69 Fed. Reg 21704.

The Office determined a patent term adjustment of three hundred thirty-eight (338) days based on an adjustment for PTO delay of one hundred seventy-eight (178) days pursuant to 35 U.S.C. 154(b)(1)(A)(i) and 37 C.F.R. § 1.703(a)(1) and two hundred eighty-nine (289) days pursuant to 35 U.S.C. 154(b)(1)(A)(ii) and 37 C.F.R. §1.703(a)(2), reduced by one hundred twenty-nine (129) days of applicant delay pursuant to 37 C.F.R. § 1.704(c)(8).

Patentee states that an additional PTO delay of 96 days should have been accorded due to the Office's failure to issue the patent within three years of filing.

It is noted that the instant patent issued 3 years and 164 days after its filing date. However, 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 C.F.R. 1.703(f). In this instance, the period of delay of 164 days attributable to the delay in the issuance of the patent overlaps with the adjustment of 467 days attributable to grounds specified in § 1.702(a)(1) and 1.702(a)(2).

In view thereof, the correct determination of PTA at the time of issuance is three hundred thirty-eight (338) days.

The $200 fee set forth in 37 C.F.R. § 1.18(e) has been charged to Deposit Account No. 23-1925, as authorized.

Telephone inquiries specific to this matter should be directed to Cliff Congo, Petitions Attorney, at (571)272-3207.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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JUL 18 2006

OFFICE OF PETITIONS

SILLS CUMMIS EPSTEIN & GROSS
ONE RIVERFRONT PLAZA
IP DEPARTMENT
NEWARK NJ 07102

In re Application of	:	
Canwen Liu	:	
Application No. 10/874,420	:	ON PETITION
Filed: June 23, 2004	:	
Attorney Docket No. 17832	:	

This is a decision on the petition, filed July 11, 2006, and supplemented on July 17, 2006, under 37 CFR 1.313(c)(3) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for express abandonment. See 37 CFR 1.313(c)(3). The above-identified application is expressly abandoned in favor of a continuing application filed July 17, 2006.

Telephone inquiries 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

FEB 10 2005

In re Application of	:	
Sal Falciglia, Sr.	:	
Serial No. 10/874,423	:	DECISION ON PETITION
Filed: June 23, 2004	:	TO MAKE SPECIAL
For: METHOD AND SYSTEM FOR PLAYING A BLACKJACK GAME ENABLING BONUS BETS	:	

Applicant's petition, filed October 14, 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. R. Kazenske, Director
Technology Center 3700

George Likourezos, Esq.
Carter, DeLuca, Farrell & Schmidt, LLP
445 Broad Hollow Road
Melville, NY 11747

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Alexandria, VA 22313-1450
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MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO, IL 60661

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MAR 0 6 2009

OFFICE OF PETITIONS

In re Application of :
Jeyhan Karaoguz, et al. :
Application No. 10/874,430 : ON PETITION
Filed: June 23, 2004 :
Attorney Docket No. 15205US02 :

This is a decision on the petition under 37 CFR 1.137(b), filed December 3, 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 April 30, 2008. A Notice of Abandonment was subsequently mailed on December 5, 2008. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2).

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE), including the fee of $810 and the submission required by 37 CFR 1.114; (2) the petition fee of $1,620; and (3) an adequate statement of unintentional delay.

The application is being referred to Technology Center AU 2179 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LISA M. SOLTIS
ILLINOIS TOOL WORKS INC.
3600 WEST LAKE AVENUE
GLENVIEW IL 60025

COPY MAILED

SEP 02 2008

In re Application of :
Cheryl L. PANASIK :
Application No. 10/874,443 : DECISION ON PETITION
Filed: June 22, 2004 :
Attorney Docket No. **(1727)** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 11, 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 August 09, 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 September 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 an election, (2) the petition fee of $1540, and (3) a proper statement of unintentional delay. Accordingly, the reply the restriction requirement of August 09, 2007 is accepted as having been unintentionally delayed.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney document must be submitted. 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 Tredelle Jackson at (571) 272-2783.

This application is being referred to Technology Center AU 3635 for appropriate action on the concurrently filed election.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

cc: **GUY D. YALE**
750 MAIN STREET
SUITE 1400
HARTFORD CT 06103-2721

1. Petition fee

Applicant encloses herewith a check for $1,540.00 to cover the fee set forth in 37 CFR § 1.17(m) for an applicant other than a small entity.

2. Reply and/or issue fee

Applicant encloses herewith a Response to Office Action that includes a fully responsive election in response to the Restriction Requirement set forth by the Examiner.

3. Terminal disclaimer with disclaimer fee

Since this utility application was filed on or after June 8, 1995, no Terminal Disclaimer is required.

4. Statement that the entire delay was unintentional

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 C.F.R. 1.137(b) was unintentional.

Respectfully Submitted,

CHERYL L. PANASIK

By: _____

Guy D. Yale
Registration No. 29,125
Alix, Yale & Ristas, LLP
Attorney for Applicant

Date: April 7, 2008
750 Main Street, Suite 1400
Hartford, CT 06103-2721
Telephone: (860) 527-9211
Our Ref: OMGMW/142/US

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RAM Fee History Query

Revenue Accounting and Management

Name/Number: 10874443 Total Records Found: 5

Start Date: Any Date End Date: Any Date

Accounting Date	Sequence Num.	Fee Type	Fee Code	Fee Amount	Mailroom Date	Payment Method
04/14/2008	00000038	1	1453	$1,540.00	04/11/2008	CK
07/08/2004	00000056	4	8021	$40.00	07/08/2004	DA 090025
06/28/2004	00000129	1	1001	$770.00	06/22/2004	CK
06/28/2004	00000130	1	1201	$86.00	06/22/2004	CK
06/28/2004	00000131	1	1202	$72.00	06/22/2004	DA 090025

OIPE IAP25
APR 11 2008
PATENT & TRADEMARK OFFICE

NEW DAC/JP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.	:	10/874,443
Applicant	:	Cheryl L. Panasik
Filing Date	:	June 22, 2004
Title	:	INTEGRAL ROOFING MEMBRANE, OR FLASHING MEMBER, AND BATTEN OR REINFORCEMENT STRIP ASSEMBLY
TC/A.U.	:	3635
Examiner	:	NGUYEN, Chi Q.
Docket No.	:	OMGMW/142/US
Customer No.	:	02543

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

The above-identified Application became abandoned for failure to file a timely and proper reply to an Office Action mailed on August 9, 2007. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.

A grantable petition requires the following items:

(1) Petition fee set forth in 37 CFR § 1.17(m);
(2) Reply and/or issue fee;
(3) Terminal disclaimer with disclaimer fee--required for all utility and plant applications filed before June 8, 1995, and for design applications; and
(4) Statement that the entire delay was unintentional.

04/14/2008 CNGUYEN2 00000019 10874443
01 FC:1453 1540.00 OP

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FISH & RICHARDSON P.C.
PO BOX 1022
MINNEAPOLIS MN 55440-1022

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SEP 29 2008

In re Application of :
ZHANG, JIANYING : LETTER REGARDING PATENT
Application No. 10/874,449 : TERM ADJUSTMENT
Filed: 06/23/2004 :
Docket No. 09531-123002 / Z02201 :

This letter is in response to the "LETTER REGARDING PATENT TERM ADJUSTMENT," filed May 6, 2008. Pursuant to applicants' duty of good faith and candor to the Office, applicants request that the determination of patent term adjustment under 35 U.S.C. 154(b) be reviewed for accuracy.

The request for review of the initial Determination of Patent Term Adjustment is **granted**.

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 **309 days**. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On February 6, 2008, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment to date is 341 days. On May 6, 2008, applicants submitted the instant comment.

Applicants assert that the Office did not assess applicants any delay for the period between the filing of the "Response to Notice to File Missing Parts of Application" on November 3, 2004, and the submission of the "Response to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide

Sequence and/or Amino Acid Sequence Disclosures" on January 28, 2005, correcting the omission.

The application history has been reviewed and it has been determined that the initial determination of patent term adjustment under 35 U.S.C. 154(b) of 341 days is incorrect.

Pursuant to 37 CFR 1.704(c)(7), the submission of a reply having an omission (§ 1.135(c)) is a failure to engage in reasonable efforts to conclude prosecution, and the period of adjustment set forth in 37 CFR 1.703 shall be reduced by the number of days, if any, beginning on the day after the date the reply having an omission was filed and ending on the date that the reply or other paper correcting the omission was filed.

In this instance, on September 1, 2004, the Office mailed a Notice to File Missing Parts of Nonprovisional Application. On November 3, 2004, applicants filed a response, which included a sequence listing. On November 24, 2004, the Office mailed a Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures, advising applicants that that the response as filed on November 3, 2004, contained an omission. On January 28, 2005, applicants filed a response to correct the omission in the reply filed November 3, 2004.

It is undisputed that the sequence listing of November 3, 2004, contained errors and that a sequence listing correcting the errors was not filed until January 28, 2005. Thus, the period of reduction pursuant to 37 CFR 1.704(c)(7), begins on November 4, 2004, the day after the first reply containing an omission was filed, and ends on January 28, 2005, the date the omission was corrected. This constitutes a delay of 86 days. Accordingly, the period of reduction of 54 days for applicant delay was entered in error and is being removed and a period of reduction of 86 days is being entered.

In view thereof, the correct patent term adjustment at the time of the mailing of the notice of allowance is **309 days** (426 days of Office delay - 117 days (86 + 31) of applicant delay).

As this letter was submitted as an advisement to the Office of an error in applicants' favor, the Office will not assess the $200.00 fee as set forth in 37 CFR 1.18(e). The Office thanks applicants

for applicants' good faith and candor in bringing this to the attention of the Office.

Applicants are reminded that any delays by the Office pursuant to 37 CFR 1.702(a)(4) and 1.702(b) and any applicant delays under 37 CFR 1.704(c)(10) will be calculated at the time of the issuance of the patent and applicants will be notified in the Issue Notification letter that is mailed to applicant approximately three weeks prior to issuance.

The Office of Data Management has been advised of this decision. This matter is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries regarding this matter should be directed to Christina Tartera Donnell, Senior Petitions Attorney, at (571) 272-3211.

Kery A. Fries

Kery A. Fries
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

Enclosure: Copy of updated PAIR screen

Day : Wednesday

PALM INTRANET

Date: 9/24/2008
Time: 09:10:42

PTA Calculations for Application: 10/874449			
Application Filing Date:	06/23/2004	PTO Delay (PTO):	426
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	85
Post-Issue Petitions:	0	Total PTA (days):	309
PTO Delay Adjustment:	-32		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
65	09/24/2008	ADJUSTMENT OF PTA CALCULATION BY PTO	54		
64	09/24/2008	ADJUSTMENT OF PTA CALCULATION BY PTO		86	
55	02/06/2008	MAIL NOTICE OF ALLOWANCE			
54	02/06/2008	MAIL EXAMINER INTERVIEW SUMMARY (PTOL - 413)			
53	02/01/2008	ISSUE REVISION COMPLETED			
52	02/01/2008	DOCUMENT VERIFICATION			
51	02/01/2008	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
50	02/01/2008	CASE DOCKETED TO EXAMINER IN GAU			
49	02/01/2008	NOTICE OF ALLOWABILITY			
48	01/22/2008	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
47	10/30/2007	AFFIDAVIT(S) (RULE 131 OR 132) OR EXHIBIT(S) RECEIVED			
46	11/20/2007	DATE FORWARDED TO EXAMINER			
45	10/30/2007	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
44	11/20/2007	DATE FORWARDED TO EXAMINER			
43	10/30/2007	REQUEST FOR CONTINUED EXAMINATION (RCE)			
42	11/20/2007	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
41	10/30/2007	WORKFLOW - REQUEST FOR RCE - BEGIN			
40	08/17/2007	MAIL FINAL REJECTION (PTOL - 326)			
39	08/17/2007	FINAL REJECTION			
38	06/27/2007	DATE FORWARDED TO EXAMINER			
37	06/22/2007	RESPONSE AFTER NON-FINAL ACTION		31	35

36	06/22/2007	REQUEST FOR EXTENSION OF TIME - GRANTED			
35	02/22/2007	MAIL NON-FINAL REJECTION			
34	02/20/2007	NON-FINAL REJECTION			
33	07/11/2005	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
32	01/08/2007	DATE FORWARDED TO EXAMINER			
31	12/21/2006	RESPONSE TO ELECTION / RESTRICTION FILED			
30	12/21/2006	REQUEST FOR EXTENSION OF TIME - GRANTED			
29	10/23/2006	MAIL RESTRICTION REQUIREMENT	426		-1
28	10/18/2006	REQUIREMENT FOR RESTRICTION / ELECTION			
27	07/11/2005	REFERENCE CAPTURE ON IDS			
26.7	07/11/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
26	07/11/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
25	03/24/2005	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
24	01/28/2005	PRELIMINARY AMENDMENT			
23	11/03/2004	PRELIMINARY AMENDMENT			
22	03/24/2005	CASE DOCKETED TO EXAMINER IN GAU			
21	02/24/2005	APPLICATION RETURN FROM OIPE			
20	02/24/2005	APPLICATION RETURN TO OIPE			
19	02/24/2005	APPLICATION DISPATCHED FROM OIPE			
18	02/24/2005	APPLICATION IS NOW COMPLETE			
17	01/24/2005	ADDITIONAL APPLICATION FILING FEES		54	6
16	01/24/2005	CRF DISK HAS BEEN RECEIVED BY PREEXAM / GROUP / PCT			
15	02/11/2005	CRF IS GOOD TECHNICALLY / ENTERED INTO DATABASE			
14	11/24/2004	SEQUENCE ERRORS			
11	11/03/2004	ADDITIONAL APPLICATION FILING FEES			
10	11/03/2004	CRF DISK HAS BEEN RECEIVED BY PREEXAM / GROUP / PCT			
9	11/03/2004	A SET OF SYMBOLS AND PROCEDURES, PROVIDED TO THE PTO ON A SET OF COMPUTER LISTINGS, THAT DESCRIBE IN			
8	11/03/2004	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			

7	11/15/2004	CRF IS FLAWED TECHNICALLY / NOT ENTERED INTO DATABASE			
6	09/01/2004	NOTICE MAILED--APPLICATION INCOMPLETE--FILING DATE ASSIGNED			
5	08/12/2004	CLEARED BY L&R (LARS)			
4	07/30/2004	REFERRED TO LEVEL 2 (LARS) BY OIPE CSR			
3	07/30/2004	CASE CLASSIFIED BY OIPE			
2	07/15/2004	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	06/23/2004	INITIAL EXAM TEAM NN			

Search Another: Application# [ ] Search

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

To go back, right click here and select Back. To go forward, right click here and select Forward. To refresh, right click here and select Refresh.

Back to OASIS | Home page

SCAN! Please forward case and paper to address shown below.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 7/27/07

Paper No.: _____

TO SPE OF : ART UNIT 3616

SUBJECT : Request for Certificate of Correction for Appl. No.: 721702 Patent No.: 10/874452

Please respond to this request for a certificate of correction within 7 days.

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

HENRY RANDALL
Certificates of Correction Branch
703-308-9390 ext. _____

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ Approved	All changes apply.
☐ Approved in Part	Specify below which changes do not apply.
☐ Denied	State the reasons for denial below.

Comments: _____

PAUL N. DICKSON
SUPERVISORY PATENT EXAMINER
~~TECHNOLOGY CENTER 3600~~
SPE

3616
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

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HOWARD & HOWARD ATTORNEYS, P.C.
THE PINEHURST OFFICE CENTER, SUITE #101
39400 WOODWARD AVENUE
BLOOMFIELD HILLS MI 48304-5151

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JUL 23 2007

OFFICE OF PETITIONS

In re Application of	:	
Hewitt et al.	:	
Application No. 10/874,468	:	DECISION ON PETITION
Filed: June 23, 2004	:	
Attorney Docket No. 60,340-050	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 26, 2007, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before February 22 2006, as required by the Notice of Allowance and Fee(s) Due, mailed November 22 2005. Accordingly, the date of abandonment of this application is February 23, 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 $700.00 and publication fee of $300.00, (2) the petition fee of $750.00; and (3) a proper statement of unintentional delay.

There is no indication that petitioner has submitted a Part B-Fee(s) Transmittal form (PTOL-85). Accordingly, if petitioner desires to have the information normally found thereon printed on the patent, the attached blank Fee(s) Transmittal form should be completed and returned to the Publishing Division within **ONE MONTH** from the mail date of this decision.

Also, 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 Christopher Bottorff at (571) 272-6052 or in his absence, the undersigned at (571) 272-7099.

This application is being referred to Publishing Division for processing into a patent.

David Bucci
Petitions Examiner
Office of Petitions

cc: William Honaker
38525 Woodward Ave., Suite 2000
Bloomfield Hills, MI 48304-2970

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail **Mail Stop ISSUE FEE**
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

or Fax **(571) 273-2885**

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

27305 7590 11/22/2005

HOWARD & HOWARD ATTORNEYS, P.C.
THE PINEHURST OFFICE CENTER, SUITE #101
39400 WOODWARD AVENUE
BLOOMFIELD HILLS, MI 48304-5151

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)

(Signature)

(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/874,468	06/23/2004	Timothy Hewitt	60,340-050	7038

TITLE OF INVENTION: FENCE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	$700	$300	$1000	02/22/2006

EXAMINER	ART UNIT	CLASS-SUBCLASS
PETERSON, KENNETH E	3724	083-438000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 _____

2 _____

3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:

☐ Issue Fee

☐ Publication Fee (No small entity discount permitted)

☐ Advance Order - # of Copies _____

4b. Payment of Fee(s):

☐ A check in the amount of the fee(s) is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)

☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.
NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____

Typed or printed name _____ Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : April 21, 2008

TO SPE OF : ART UNIT 2823

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/874491 Patent No.: 7030507 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: Approved as the wrong priority date is being corrected.

/Matthew S. Smith/

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Supervisory Patent Examiner AU 2823

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/874,506	06/23/2004	2173	986	15206US02	7	32	3

CONFIRMATION NO. 3721

CORRECTED FILING RECEIPT

OC000000013895649

23446
MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO, IL 60661

Date Mailed: 09/24/2004

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)

Jeyhan Karaoguz, Irvine, CA;
James D. Bennett, San Clemente, CA;

Power of Attorney:

Shawn Peterson--44286

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/504,891 09/22/2003

Foreign Applications

If Required, Foreign Filing License Granted: 08/17/2004

The number of your priority application, to be used for filing abroad under the Paris Convention is,

US10/874,506

Projected Publication Date: 03/24/2005

Non-Publication Request: No

Early Publication Request: No

Title

Resource controlled user interface resource management

Preliminary Class

345

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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WITHROW & TERRANOVA, P.L.L.C.
100 REGENCY FOREST DRIVE
SUITE 160
CARY, NC 27518

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JUL 16 2008

OFFICE OF PETITIONS

In re Application of :
David Coons et al :
Application No. 10/874,509 : ON PETITION
Filed: June 23, 2004 :
Attorney Docket No. 2867-289

This is a decision on the petition, filed July 10, 2008 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on June 20, 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 2611 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

Irvin Dingle
Petitions Examiner
Office of Petitions

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

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Alexandria, VA 22313-1450
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CALFEE HALTER & GRISWOLD, LLP
800 SUPERIOR AVENUE
SUITE 1400
CLEVELAND OH 44114

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MAR 07 2008

OFFICE OF PETITIONS

In re Application of	:	
Melvin Dale Beers, et al	:	
Application No. 10/874,512	:	DECISION GRANTING PETITION
Filed: June 23, 2004	:	UNDER 37 CFR 1.313(c)(3)
Attorney Docket No. 06821/05668	:	

This is a decision on the petition under 37 CFR 1.313(c)(3), filed March 7, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

Petitioner requests that the above-identified application be withdrawn from issue for express abandonment in favor of a continuing application filed March 7, 2008.

The application is hereby withdrawn from issue, and the abandonment is hereby recognized.

Telephone inquiries 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
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JAN 05 2006

OFFICE OF PETITIONS

MORGAN LEWIS & BOCKIUS
1111 PENNSYLVANIA AVENUE NW
WASHINGTON DC 20004

In re Application of :
Joung-Ho Ryu et al :
Application No. 10/874,534 : ON PETITION
Filed: June 24, 2004 :
Attorney Docket No. 041993-5385 :

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 December 22, 2005, in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

The instant petition under 37 CFR 1.313(c)(2), the RCE and the IDS, filed on December 28, 2005, are not signed by an attorney of record. However, in accordance with 37 CFR 1.34(a), the signature of Rebecca G. Rudich appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that she is authorized to represent the particular party in whose behalf she act. However, if Ms. Rudich desires to receive correspondence regarding this file, the appropriate power of attorney documentation must be submitted. A courtesy copy of this decision is being mailed to Ms. Rudich, the petitioner herein. Until otherwise instructed, all future correspondence regarding

---

[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).

this application file will be directed solely to the above-noted correspondence address of record.

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This matter is being forwarded to Technology Center Art Unit 3751 for processing of the request for continued examination under 37 CFR 1.114 filed December 28, 2005.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc:
MCKENNA LONG & ALDRIDGE
1900 K STREET, N.W.
WASHINGTON, DC 20006

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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Thomas P. Liniak
Liniak, Berenato & White. LLC
Suite 240
6550 Rock Spring Drive
Bethesda MD 20817

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AUG 22 2006
OFFICE OF PETITIONS

In re Application of :
Burdi, et al. :
Application No. 10/874,546 : DECISION ON PETITION
Filed: June 24, 2004 : TO WITHDRAW
Attorney Docket No. 6353.220 : 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 5, 2006.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Thomas Liniak on behalf of himself.

All other attorneys/agents remain of record.

The correspondence address of record remains unchanged.

Telephone inquiries concerning this decision should be directed to April Wise at 571-272-1642.

April Wise
Petitions Examiner
Office of Petitions

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

Mail Date: 04/21/2010

Applicant	: Yerramilli V. S. N. Murthy	: DECISION ON REQUEST FOR
Patent Number	: 7618651	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/874,552	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/24/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1111** 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.

OIPE
JUL 28 2004
PATENT & TRADEMARK OFFICE

DAY C
IFW

Attorney Docket No. 041050-0310324
Client Reference: US-P1289-CON

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: AKIHIRO HORII, HITOSHI UENO, SHUHEI IIZUKA, HITOSHI MIZUNO, and TADASHI HIRATA

Application No.: 10/874,573

Group Art Unit: 2877

Filed: June 24, 2004

Examiner:

Confirmation No.:

For: OPTICAL IMAGING APPARATUS

SUBMISSION OF COPY OF RETROACTIVE FOREIGN FILING LICENSE FROM PARENT APPLICATION 09/398,366

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Applicants submit herewith a copy of the Retroactive Foreign Filing License granted in the parent Application Number 09/398,366. Written confirmation of the receipt of the same is respectfully requested.

Date: July 28, 2004

Reg. No.: 42459
Tel. No.: (202) 775-9832
Customer No.: 00909

Signature of Practitioner
Henry J. Daley
PILLSBURY WINTHROP LLP
P.O. Box 10500
McLean, VA 22102

30469539v1

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OIPE JUL 28 2004 PATENT & TRADEMARK OFFICE JC25

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	REQUEST DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09/398,306	4/21/04	HORII, ET AL.	41050/264018

Title: **OPTICAL IMAGING APPARATUS**

RECEIVED
PILLSBURY WINTHROP LLP/VA
JUL 26 2004

Art Unit	Paper Number

RECEIVED
JUL 20 2004
LICENSING & REVIEW

Correspondence Address:
G. LLOYD KNIGHT
PILLSBURY WINTHROP LLP
1600 TYSONS BLVD.
MCLEAN VA 22102

CL 041250 M # 264018
ATTY(S) GLK, RG
DUE:
DKT BY (1)

Licensee under 35 U.S.C. 184 is hereby granted to file in any foreign country a patent application and any amendments thereto corresponding to the subject matter of this U.S. application identified above and/or any material accompanying the petition. This license is conditioned upon modification of any applicable secrecy order and is subject to revocation without notice.

License Number: 532,917

Grant Date: 20-Jul-04

This license is granted retroactively to the date(s) and the country(s) indicated on the attached decision.

Approved
for Commissioner of Patents and Trademar

This license empowers the filing, the causation and the authorization of the filing of a foreign application or applications on the subject matter identified above, subsequent forwarding of all duplicate and formal papers and the prosecution of such application or applications.

This license does not empower the filing of any applications, amendments, supplements or continuances originating in this country which disclose inventions, modifications, or variations not disclosed in the subject matter identified above.

This license is to be retained by the licensee and may be used at anytime on or after the date thereof. This license is not retroactive unless specifically indicated.

The grant of this license does not in any way lesson the responsibility of the 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 respecct to certain countries, of other agencies, particularly the Office of Foreign Assets Control, Department of the Treasury; Office of Munitions Control, Department of State (with respect to Arms, Munitions and Implements of War); the Bureau of Trade Regulation, Office of Export Adminsttration, Department of Commerce; and the Department of Energy.

LICENSE FOR FOREIGN FILING

[Title 35, United States Code (1952) Sections 184, 185, 186]

OIPE JC25
JUL 28 2004
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DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.uspto.gov

G. Lloyd Knight
Pillsbury Winthrop, LLP
Intellectual Property Group
1600 Tysons Boulevard
McLean, VA 22102

In re:	HORII et al	:	DECISION ON REQUEST
Serial No.:	09/398,366	:	UNDER 37 CFR 5.25
Filing date:	September 17, 1999		
Docket No:	41050/264018		

Title: **OPTICAL IMAGING APPARATUS**

This is a decision on the petition filed on January 17, 2002 for retroactive foreign filing license.

It has been determined that a retroactive license for foreign filing under 35 U.S.C.184 be granted with respect to the filings listed below. The petition complies with 37 C.F.R. 5.25 in that there is an adequate showing that the subject matter in question was not under a secrecy order, that the license was diligently sought after discovery of the proscribed foreign filing, and that the material was filed abroad without the required license under 37 C.F.R 5.11 through error and without deceptive intent.

Country	**Date**
Japan (Application No. 10-266752)	September 21, 1999
Japan (Application No. 10-266753)	September 21, 1998.

Ian J. Lobo
Patent Examiner
(703) 306-4161

UNITED STATES PATENT AND TRADEMARK OFFICE

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PILLSBURY WINTHROP, LLP
P.O. BOX 10500
MCLEAN, VA 22102

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JAN 28 2005

OFFICE OF PETITIONS

In re Application of :
Horii, et al. :
Application No. 10/874,573 : ON PETITION
Filed: June 24, 2004 :
Attorney Docket No. 041050-0310324 :

This is a decision on papers filed on October 20, 2004, which is being treated as a petition under 37 CFR 1.53, requesting that the above-identified application be accorded a filing date of June 24, 2004, including page 18 of the specification.

The application was submitted on June 24, 2004. However, on September 16, 2004, the Office of Initial Patent Examination (OIPE) mailed a "Notice To File Corrected Application Papers" (Notice) that stated the application had been accorded a filing date, and that page 18 of the specification appears to have been omitted, and that an abstract was not provided for the above-identified application.

In response, on October 20, 2004, the instant petition and a copy of page 18 of the specification were submitted. Petitioner argues that page 18 of the specification was filed on June 24, 2004 and that the page must have been misplaced in the Patent and Trademark Office (PTO).

Petitioner states that page 18 of the specification is present in petitioner's file and, in support, petitioner has submitted a stamped postcard receipt that indicates the receipt in the PTO of "[115] No. of Pages Application (Spec + Claim(s) + Abstract)."

Petitioner's arguments have been considered, but are not persuasive. An applicant alleging that a paper was filed in the Office and later misplaced has the burden of proving the allegation by a preponderance of the evidence. A review of the application file indicates the presence of 114 pages of specification and claims, with page 18 of the specification

omitted and the abstract missing. However, if the omitted page and the missing abstract are added to the application file, then the postcard should have stated 116 pages of specification, claims and abstract were to be filed on June 24, 2004 and not the 115 pages as actually stated on the postcard. As the postcard does not appear to be properly itemized, it cannot be used as prima facie evidence of submission of the omitted item. The PTO file is the official record of the papers originally filed in this application. Review of the official file reveals page 18 of the specification was not filed on June 24, 2004, since no such page is present in the file.

Accordingly, the petition must be dismissed.

However, applicants also request to add page 18 of the specification to the present application on the basis that page 18 of the specification was incorporated by reference. However, no petition is necessary for that purpose.

MPEP 201.06(c) states:

> B. Application Entitled to a Filing Date
> If a continuation or divisional application as originally filed is entitled to a filing date despite the omission of a portion of the prior application(s), applicant will be permitted to add the omitted material by way of an amendment provided a statement was included in the application as originally filed that incorporates by reference the prior application(s). If the application as originally filed includes a proper incorporation by reference of the prior application(s), an omitted specification page(s) and/or drawing figure(s) identified in a "Notice of Omitted Item(s)" may be added by amendment provided the omitted item(s) contains only subject matter in common with such prior application(s). In such case, applicant need not respond to the "Notice of Omitted Item(s)." Applicant should submit the amendment adding the omitted material prior to the first Office action to avoid delays in the prosecution of the application. See MPEP § 601.01(d) and § 601.01(g).

If applicants desire that page 18 of the specification be added to the application, the appropriate procedure is by way of amendment requesting the entry of the page. Any such amendment should be filed prior to the first action on the merits and will be considered by the primary examiner.

It is noted that applicants filed such a preliminary amendment on October 20, 2004.

Please note, the petition fee will not be refunded, since the petition was not necessitated by any error on the part of the USPTO.

The application will be forwarded to Technology Center 2800 for examination *in due course*.

Telephone inquiries should be directed to the undersigned at (571)272-3228.

Edward J. Tannouse
Petitions Attorney
Office of Petitions
United States Patent and Trademark Office

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 5-25-07

TO SPE OF : Technology Center 3711 10/874580

SUBJECT : Request for Certificate of Correction on Patent No.: 7207805 B2

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Palm location **7580, Certificates of Correction Branch – South Tower – 9A22**
If response is for an IFW, **return to employee (named below) via PUBSCofC Team in MADRAS.**
With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction (COCIN)? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Elisha Evans
Certificates of Correction Branch
Tel. No. 703-308-9390 EXT 110

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☒ **Approved** — All changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments:

_____

_____

_____

_____

_____

_____ 3711
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

AT&T CORP.
ROOM 2A207
ONE AT&T WAY
BEDMINSTER NJ 07921

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JAN 2 1 2009

OFFICE OF PETITIONS

In re Application of :
Maxemchuk et al. :
Application No. 10/874,591 : DECISION ON PETITION
Filed: June 23, 2004 :
Attorney Docket No. 113545CON-1(1014-082) :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 29, 2008, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before June 17, 2008, as required by the Notice of Allowance and Fee(s) Due mailed March 17, 2008. Accordingly, the date of abandonment of this application is June 18, 2008. A Notice of Abandonment was mailed July 10, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1,440.00, and a Request for Continued Examination and fee of $810.00; (2) the petition fee of $1,540.00; and (3) a proper statement of unintentional delay.

Additionally, petitioner has submitted $130.00 towards the Information Disclosure Statement required fee of $180.00. This creates a $50.00 shortage that will be charged to petitioner's deposit account as authorized on August 29, 2008.

Petitioner is advised that, once submitted, the issue fee cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

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.

The file is now being forwarded to Technology Center 2114 for processing of the Request for Continued Examination under 37 CFR 1.114 filed with the instant petition.

Telephone inquiries concerning this decision should be directed to Joan Olszewski at (571) 272-7751.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

cc: Michael N. Haynes
1341 Huntersfield Close
Keswick, VA 22947

UNITED STATES 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: 9/23/05 chk

In re Application of TOSHIO BANBA et al.
Serial No.: 10/874,592
Filed: June 23, 2004

DECISION ON PETITION UNDER *37 CFR 1.48(B)*

Title: POSITIVE-WORKING PHOTOSENSITIVE RESIN COMPOSITION, METHOD PRODUCING PATTERN-FORMED RESIN FILM, SEMICONDUCTOR DEVICE, DISPLAY DEVICE AND METHOD FOR PRODUCING THE SEMICONDUCTOR DEVICE AND DISPLAY DEVICE

This is a decision on the PETITION TO CORRECT INVENTORSHIP IN A NON-PROVISIONAL PATENT APPLICATION filed June 24, 2005 to correct inventorship under 37 CFR 1.48(b) by deleting the names of Takuji IKEDA and Tatsuya YANO from the list of inventors of the instant application.

It is noted that the applicant has met the requirements of 37 C.F.R. § 1.48(b) by (1) submitting a request to correct the inventorship that sets forth the desired inventorship change and (2 providing the processing fee set forth in 1.17(i).

The petition is **GRANTED**.

The application file is being forwarded to the appropriate section of the Patent and Trademark Office for correction of the record.

Cynthia H. Kelly
Supervisory Patent Examiner
Art Unit 1752
Technology Center 1700

Robert G. Weilacher
Suite 3100, Promenade II
1230 Peachtree Street, N.E.
Atlanta, Georgia 30309-3592

UNITED STATES 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

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JUN 26 2008

OFFICE OF PETITIONS

In re Application of	:	
Landes et al.	:	
Application No. 10/874612	:	
Filing or 371(c) Date: 06/23/2004	:	ON PETITION
Attorney Docket Number: DEP-5107	:	

This is a decision on the petition under 37 CFR 1.137(b), filed April 14, 2008, to revive the above-identified application.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the non-final Office action, mailed October 9, 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 January 10, 2008. The mailing of this Decision precedes the mailing of a Notice of Abandonment.

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.

The application is being referred to Technology Center Art Unit 3738 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
Attorney
Office of Petitions

Docket No. DEP5107

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Mark D. Landes, et al. Conf. No 7672

Serial No. : 10/874,612 Art Unit: 3738

Filed : June 23, 2004 Examiner: Willse, David H.

For : MODULAR ANKLE PROSTHESIS AND ASSOCIATED METHOD

I hereby certify that this correspondence is being transmitted via The Office electronic filing system in accordance with 37 CFR 1.6(a)(4)

April 14, 2008

(Date of Deposit)

Cynthia K. Barnett

(Name of applicant, assignee, or Registered Representative)

/Cynthia K. Barnett/

(Signature)

April 14, 2008

(Date of Signature)

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CONDITIONAL PETITION FOR EXTENSION OF TIME
AND AUTHORIZATION TO CHARGE
DEPOSIT ACCOUNT THEREFOR

Dear Sir:

To the extent necessary, Applicant petitions the Commissioner of Patents and Trademarks to extend the time for response to the Office Action dated 10/09/2007 for four (4) months from 01/09/2008 to 05/09/2008.

Adjustment date: 06/26/2008 CKHLOK
04/15/2008 IHTEFSW 00000037 100750 10874612
02 FC:1254 1640.00 CR

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Account No. 10-0750/DEP107/CKB.

Respectfully submitted,

/Cynthia K. Barnett/

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
(574) 372-7332
April1 14, 2008

CYNTHIA K. BARNETT
Reg. No. 48655
Attorney for Applicant(s)

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND

1 Date of Request:	06/24/08	2 Serial/Patent #	10/874612

	3 Please refund the following fee(s):	4 PAPER NUMBER	5 DATE FILED	6 AMOUNT
	Filing			$
	Amendment			$
X	Extension of Time	ifw	04/14/08	$ 1,640.00
	Notice of Appeal/Appeal			$
	Petition			$
	Issue			$
	Cert of Correction/Terminal Disc.			$
	Maintenance			$
	Assignment			$
	Other			$

7 TOTAL AMOUNT OF REFUND	$ 1,640.00

8 TO BE REFUNDED BY:

X	Treasury Check
	Credit Deposit A/C #:

9 [ ][ ]--[ ][ ][ ][ ]

10 REASON:

	Overpayment
	Duplicate Payment
X	No Fee Due (Explanation):

No extension of time available - application ABN.

11 REFUND REQUESTED BY:

TYPED/PRINTED NAME: Derek L. Woods TITLE: Attorney

SIGNATURE: /Derek L. Woods/ PHONE: 2-3232

OFFICE: Petitions

****

THIS SPACE RESERVED FOR FINANCE USE ONLY:

APPROVED: CKhat DATE: 6/26/08

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:

Office of Finance
Refund Branch
Crystal Park One, Room 802B

FORM PTO 1577
(01/90)

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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WIGGIN AND DANA LLP
ATTENTION: PATENT DOCKETING
ONE CENTURY TOWER
PO BOX 1832
NEW HAVEN CT 06508-1832

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APR 0 4 2005

OFFICE OF PETITIONS

In re Application of :
Chan, et al. :
Application No. 10/874,626 : DECISION ON PETITION
Filed: June 23, 2004 :
Attorney Docket No. 102445-200 :

This is a decision on the paper titled "COMPLETION OF FILING REQUIREMENTS NONPROVISIONAL APPLICATION", filed October 7, 2004, which is properly treated as a petition under 37 CFR 1.182 requesting that the above-identified application be accorded a filing date of June 23, 2004.

The instant application was deposited on June 23, 2004, claiming the benefit of priority to provisional application 60/482,168. However, the instant application omitted a copy of the drawings. Accordingly, on August 17, 2004, the Office of Initial Patent Examination properly mailed a "Notice of Incomplete Nonprovisional Application", requiring drawings and stating that the filing date would be the date of receipt of the drawings.

In response, petitioner filed the present petition on October 7, 2004, together with a copy of the omitted drawings. Petitioner does not dispute the fact that no drawings were filed in the instant application. Rather, petitioner points out that he incorporated the provisional application by reference in the specification.

With respect to the practice of incorporation by reference, the Manual of Patent Examining Procedure states:

> Material needed to accord an application a filing date may not be incorporated by reference. Therefore, if a continuation or divisional application as originally

> filed incorporates by reference material omitted from the application papers, which is needed to accord the application a filing date, the application will not be entitled to a filing date. **A petition under 37 CFR 1.182 and the required petition fee, including an amendment submitting the necessary omitted material, requesting that the necessary omitted material contained in the prior application and submitted in the amendment, be included in the continuation or divisional application based upon the incorporation by reference statement, is required in order to accord the application a filing date as of the date of deposit of the continuation or divisional application.** An amendment submitting the omitted material and relying upon the incorporation by reference will not be entered in the continuation or divisional application unless a decision granting the petition states that the application is accorded a filing date and that the amendment will be entered.[1]

Incorporation by reference is intended as a safeguard to protect an applicant who in a continuation or divisional application has omitted a "portion" of the application on filing.[2] Here, petitioner omitted drawings in their entirety. As at least one drawing was necessary to accord the instant application a filing date, no filing date was able to be accorded at the time of filing. However, petitioner properly incorporated provisional application 60/482,168 by reference. In addition, petitioner has submitted the omitted drawings, paid the $130 petition fee, and submitted an amendment seeking entry of the drawings. Accordingly, the above identified application is entitled to a filing date of June 23, 2004.

In view thereof, the petition is **GRANTED**.

The application is being forwarded to the Office of Initial Patent Examination (OIPE) for further processing with a filing date of June 23, 2004, using the application papers received in the Office on that date and the 3 sheets of drawings supplied on petition filed October 7, 2004. Applicants will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OIPE.

Telephone inquiries specific to this decision should be directed to the undersigned at 571-272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

---

[1] MPEP 201.06(c)(emphasis added).

[2] See id.

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THE ECLIPSE GROUP
10605 BALBOA BLVD., SUITE 300
GRANADA HILLS CA 91344

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JUL 0 1 2008

OFFICE OF PETITIONS

In re Application of	:	
Underbrink et al.	:	
Application No. 10/874,637	:	DECISION ON PETITION
Filed: June 22, 2004	:	
Attorney Docket No. ST04002CIP (244-US-CIP1)	:	

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 petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment, (2) the petition fee, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to Technology Center 2188 for further examination on the merits.

Liana Walsh
Petitions Examiner
Office of Petitions

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AUG 24 2004

John S. Munday, Esquire
PO Box 423
Isanti MN 55040

In re Application of :
Ajay K. Wakhloo et al :
Serial No.: 10/874,639 :
Filed: June 22, 2004 :
For: Blood Flow Diverters for the Treatment :
Of Anerurysms :

DECISION ON PETITION

This is in response to applicants' petition filed June 22, 2004, to make the above-identified application special under the provisions of 37 CFR 1.102(c), based on the age of the applicant.

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, IV. Therefore the petition is **GRANTED**.

The application will be forwarded to the examiner for action on the merits commensurate with this decision.

Should there be any questions with regard to this letter please contact John Kittle by letter, addressed to the Director, Technology Center 3700/2900, P.O. Box 1450 Alexandria, VA 22313-1450 Washington, DC 20231, or by telephone at (703) 308-0873 or by facsimile transmission at (703) 308-3139.

John E. Kittle
Director,
Technology Center 3700/2900

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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MOORE & VAN ALLEN PLLC
P.O. BOX 13706
Research Triangle Park, NC 27709

Mail Date: 04/21/2010

Applicant	: David A. Houk JR.	: DECISION ON REQUEST FOR
Patent Number	: 7610724	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/874,658	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/23/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1235** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DIW Jan-06

ASHKAN NAJAFI, P.A.
6817 SOUTHPOINT PARKWAY
SUITE 2301
JACKSONVILLE FL 32216

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JAN 24 2006

OFFICE OF PETITIONS

In re Application of :
Peter J. Goodman :
Application No. 10/874,675 : DECISION ON PETITION
Filed: 24 June, 2004 :
Atty Docket No. LIN1104 :

This is a decision on the petition filed on 28 October, 2005, under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on 14 July, 2005, for failure to timely submit corrected drawings as required by the Notice of Allowability mailed on 13 April, 2005, which set a three (3) month statutory period for reply. Notice of Abandonment was mailed on 17 October, 2005.

---

[1] Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continuing examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application, abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

Petitioner has submitted corrected drawings with the present petition. As the examiner has determined that the drawings are acceptable, the petition may be favorably considered.

This application is being referred to the Publishing Division for processing into a patent.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.

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
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BERENATO, WHITE & STAVISH, LLC
6550 ROCK SPRING DRIVE
SUITE 240
BETHESDA MD 20817

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AUG 22 2006
OFFICE OF PETITIONS

In re Application of :
Normura :
Application No. 10/874,689 : DECISION ON PETITION
Filed: June 24, 2004 : TO WITHDRAW
Attorney Docket No. 6304.900 : 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 5, 2006.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Thomas Liniak on behalf of himself.

All other attorneys/agents remain of record.

The correspondence address of record remains unchanged.

There is an outstanding Office action mailed July 6, 2005 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to April Wise at 571-272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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JAN 30 2007

OFFICE OF PETITIONS

THORPE NORTH & WESTERN, LLP.
8180 SOUTH 700 EAST, SUITE 200
SANDY UT 84070

DECISION ON PETITION

In re Application of
Manuel Torres Buendia
Application No. 10/874,695
Filed: June 23, 2004
Attorney Docket No. 22854

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 14, 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 July 7, 2006, as required by the Notice of Allowance and Fee(s) Due, mailed April 7, 2006. Accordingly, the date of abandonment of this application is July 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 payment of the issue fee of $700 and the publication fee of $300, (2) the petition fee of $750; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Terri Williams at (571) 272-2991.

This application is being referred to Publishing Division for processing into a patent.

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

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AUG 1 3 2004

OFFICE OF PETITIONS

In re Application of :
Kok :
Application No. 10/874,722 :
Filed: June 22, 2004 :
Atty. Dkt. No.: 100201804-1 :
For: COMPUTER MEMORY FOR :
STORING AN N-DIMENSIONAL OBJECT :

DECISION GRANTING STATUS
UNDER 37 CFR 1.47(b)

This decision is in response to the petition under 37 CFR 1.47(b), filed June 22, 2004.

The petition is **GRANTED**.

Petitioner has shown that inventor Jan Kok refused to execute the declaration for the above-identified application after having been presented with the application papers.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(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 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 returned to the Office of Initial Patent Examination ("OIPE") for further processing.

Telephone inquiries concerning the content of this decision may be directed to the undersigned at 703-305-0310; all other inquiries must be directed to OIPE.

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

Jan Kok
2006 Catkins Court
Fort Collins, CO 80528

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AUG 13 2004

OFFICE OF PETITIONS

In re Application of :
Kok :
Application No.: 10/874,722 : LETTER
Filed: June 22, 2004 :
Atty. Dkt. No.: 100201804-1 :
For: COMPUTER MEMORY FOR STORING :
AN N-DIMENSIONAL OBJECT :

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(b), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost as per 37 C.F.R. § 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 C.F.R. § 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (703) 305-0310. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Telephone inquiries regarding this matter should be directed to the undersigned at (703) 305-0310.

Alesia M. Brown
Senior Petitions Attorney
Office of Petitions

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WOOD, HERRON & EVANS, LLP
2700 CAREW TOWER
441 VINE STREET
CINCINNATI OH 45202

In re Application of	:	
Peyman	:	
Serial No.: 10/874,724	:	PETITION TO MAKE SPECIAL
Filed: June 23, 2004	:	
Attorney Docket No.: PMAN-30	:	

This is in response to applicant's petition filed on June 2, 2005, to make the above-identified application special under the provisions 37 CFR 1,102(c), based on the age of applicant. No fee is required for this petition. The delay in acting upon this petition is regretted.

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, IV. Therefore the petition is **GRANTED**.

The application will be forwarded to the examiner for action on the merits commensurate with this decision.

Should there by any questions with regard to this letter please contact Marianne Seidel by letter addressed to the Director, Technology Center 1600, P.O. Box 1450, ALEXANDRIA, VA 22313-1450, or by telephone at 572-272-0512 or by facsimile transmission to the general Office facsimile number.

Marianne Seidel
Special Program Examiner
Technology Center 1600

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Law Offices Jacobson Holman
400 Seventh Street, N.W.
Washington DC 20004-2218

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FEB 11 2005

OFFICE OF PETITIONS

In re Application of :
Chang-Seok Kang :
Application No. 10/874,742 : ON PETITION
Filed: June 24, 2004 :
Attorney Docket No.: 312973-P0027 :

This is a decision on the petition filed December 29, 2004, requesting replacement of the six sheets of drawings submitted on June 24, 2004 with the six sheets of formal drawings submitted with the instant petition.

The application was filed on June 24, 2004. However, on August 9, 2004, the Office of Initial Patent Examination (OIPE) mailed a Notice stating that the application had been accorded a filing date of June 24, 2004 but figure 5B described in the specification appeared to have been omitted.

In response, the present petition was filed wherein Petitioner contends 6 pages of drawings were filed on June 24, 2004. Petitioner acknowledges the drawings submitted on June 24, 2004 were improperly labeled. Figure 5 should have been labeled as figure 5a and figure 6 should have been labeled as figure 5b. The petition is accompanied by a 6 sheets of formal drawings which includes properly labeled figures 5a and 5b.

The petition is Dismissed.

Applicant is not seeking to submit any additional drawings. However, the office was correct in stating that figure 5b appeared to have been omitted. While the Office acknowledges receipt of the formal drawings containing figures 5a and 5b, Petitioner may wish to submit a preliminary amendment requesting entry of the formal drawings. The preliminary amendment will be reviewed by the examiner assigned to the application.

The current petition fee is $400.00. Petitioner has submitted $130.00. Accordingly deposit account 50-3266 will be charged the $270 difference.

The address provided on the petition differs from the correspondence address of record. A courtesy copy of this decision will be mailed to Petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of June 24, 2004 using the 6 sheets of drawings filed on that date.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3215.

Charlema R. Grant
Petitions Attorney
Office of Petitions

Yoon S. Ham
P.O. Box 9271
Reston, VA 20195

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AGOURON PHARMACEUTICALS, INC.
10777 SCIENCE CENTER DRIVE
SAN DIEGO CA 92121

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AUG 0 3 2006

OFFICE OF PETITIONS

In re Application of :
Zhang et al. :
Application No. 10/874,743 : ON PETITION
Filed: June 24, 2004 :
Title: Triazolotriazine Compounds and Uses Thereof :

This is a decision on the petition under 37 CFR 1.181 to withdraw the holding of abandonment, filed June 8, 2006. In the alternative, petitioner has also requested that the petition under 37 CFR 1.137(b)

The petition to withdraw the holding of abandonment is **DISMISSED**.

The petition to revive under 37 CFR 1.137(b) is **GRANTED**.

This application became abandoned for failure to timely submit the issue and publication fees, as required by the Notice of Allowance and Fee (s) Due which was mailed April 28, 2005. The Notice of Allowance and Fee (s) Due set a three (3) month statutory period for reply. Extensions of time were not available under the provisions of 37 CFR 1.136(a). Accordingly, this application became abandoned on July 29, 2005. A Notice of Abandonment was mailed on May 25, 2006.

Petitioner argues the Notice of Allowance and Fee(s) Due was never received. Petitioner has provided a statement attesting that the files have been checked and provided a copy of a docket report. Petitioner states that the Notice of Allowance and Fee(s) Due was mailed to an old address (La Jolla, California) affiliated with customer number 28940. Petitioner contends that the Notice of Allowance and Fee(s) due was not forwarded to the San Diego, California address but was returned to the Patent Office.

A review of the record shows that the address associated with customer number 28940

was not changed to the San Diego, California address until May 24, 2005. The record does not show that a request was made to change the address associated with the customer number prior to the mailing of the Notice of Allowance and Fee(s) Due.

Petitioner's argument has been considered, but deemed unpersuasive. The failure to receive the Notice of Allowance and Fee(s) Due was not due to Office error or an irregularity in the mail. Petitioner failed to change the correspondence address of record with the Office. 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 lack of notification, or belated notification, to the U.S. Patent and Trademark Office of the change in correspondence address does not constitute unavoidable delay. See MPEP 711.03(c). Nor would the failure to promptly change the correspondence allow for withdrawing the holding of abandonment.

Alternative Venue

In the alternative, petitioner has requested the above petition be treated under 37 CFR 1.137(b).

The requirements for a grantable petition under 37 CFR 1.137(b) have been met. This petition is hereby **Granted**.

Deposit account no. 50-0329 will be charged the $1500.00 petition, $1400 issue and $300 publication fee pursuant to petitioner's request.

A copy of the Notice of Allowance and Fee(s) Due and the Notice of Allowability is being provided. Petitioner **should** submit the PTOL-85b to the Office of Patent Publication. If the petitioner desires to have the information normally found printed on the patent, the attached Transmittal Form should be completed and returned to the **Office of Patent Publication**, within **TWO WEEKS** from the mail date of this decision.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3215.

Charlema R. Grant
Petitions Attorney
Office of Petitions

enclosure

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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NOTICE OF ALLOWANCE AND FEE(S) DUE

28940 7590 04/28/2005

AGOURON PHARMACEUTICALS, INC.
10350 NORTH TORREY PINES ROAD
LA JOLLA, CA 92037

EXAMINER	
BALASUBRAMANIAN, VENKATARAMAN	
ART UNIT	PAPER NUMBER
1624	

DATE MAILED: 04/28/2005

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/874,743	06/24/2004	Fang-Jie Zhang	034536-1716	4711

TITLE OF INVENTION: TRIAZOLOTRIAZINE COMPOUNDS AND USES THEREOF

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	$1400	$300	$1700	07/28/2005

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PTOL-85 (Rev. 12/04) Approved for use through 04/30/2007.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

or Fax (703) 746-4000

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

28940 7590 04/28/2005

AGOURON PHARMACEUTICALS, INC.
10350 NORTH TORREY PINES ROAD
LA JOLLA, CA 92037

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (703) 746-4000, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/874,743	06/24/2004	Fang-Jie Zhang	034536-1716	4711

TITLE OF INVENTION: TRIAZOLOTRIAZINE COMPOUNDS AND USES THEREOF

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	$1400	$300	$1700	07/28/2005

EXAMINER	ART UNIT	CLASS-SUBCLASS
BALASUBRAMANIAN, VENKATARAMAN	1624	514-243000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 _____

2 _____

3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:

☐ Issue Fee

☐ Publication Fee (No small entity discount permitted)

☐ Advance Order - # of Copies _____

4b. Payment of Fee(s):

☐ A check in the amount of the fee(s) is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.
NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____

Typed or printed name _____ Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/874,743	06/24/2004	Fang-Jie Zhang	034536-1716	4711

28940 7590 04/28/2005

AGOURON PHARMACEUTICALS, INC.
10350 NORTH TORREY PINES ROAD
LA JOLLA, CA 92037

EXAMINER	
BALASUBRAMANIAN, VENKATARAMAN	
ART UNIT	**PAPER NUMBER**
1624	

DATE MAILED: 04/28/2005

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 0 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 0 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571) 272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

PTOL-85 (Rev. 12/04) Approved for use through 04/30/2007.

Notice of Allowability	Application No.	Applicant(s)	
	10/874,743	ZHANG ET AL.	
	Examiner	Art Unit	
	Venkataraman Balasubramanian	1624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *4/15/2005*.

2. ☒ The allowed claim(s) is/are *1-13*.

3. ☐ The drawings filed on _____ are accepted by the Examiner.

4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a) ☐ All b) ☐ Some* c) ☐ None of the:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
      3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

   * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
   (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
   (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

   Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 1/11/05
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____.
7. ☐ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Venkataraman Balasubramanian
Primary Examiner
Art Unit: 1624

4/25/05

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In re Application of
Zhang et al.
Application No. 10/874,743
Filed: June 24, 2004
Title: Triazolotriazine Compounds and Uses Thereof

ON PETITION

DOCKETED 8/15/06 RC

DOCKETED 8/17/06 RC

This is a decision on the petition under 37 CFR 1.181 to withdraw the holding of abandonment, filed June 8, 2006. In the alternative, petitioner has also requested that the petition under 37 CFR 1.137(b)

The petition to withdraw the holding of abandonment is **DISMISSED**.
The petition to revive under 37 CFR 1.137(b) is **GRANTED**.

This application became abandoned for failure to timely submit the issue and publication fees, as required by the Notice of Allowance and Fee (s) Due which was mailed April 28, 2005. The Notice of Allowance and Fee (s) Due set a three (3) month statutory period for reply. Extensions of time were not available under the provisions of 37 CFR 1.136(a). Accordingly, this application became abandoned on July 29, 2005. A Notice of Abandonment was mailed on May 25, 2006.

Petitioner argues the Notice of Allowance and Fee(s) Due was never received. Petitioner has provided a statement attesting that the files have been checked and provided a copy of a docket report. Petitioner states that the Notice of Allowance and Fee(s) Due was mailed to an old address (La Jolla, California) affiliated with customer number 28940. Petitioner contends that the Notice of Allowance and Fee(s) due was not forwarded to the San Diego, California address but was returned to the Patent Office.

A review of the record shows that the address associated with customer number 28940

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was not changed to the San Diego, California address until May 24, 2005. The record does not show that a request was made to change the address associated with the customer number prior to the mailing of the Notice of Allowance and Fee(s) Due.

Petitioner's argument has been considered, but deemed unpersuasive. The failure to receive the Notice of Allowance and Fee(s) Due was not due to Office error or an irregularity in the mail. Petitioner failed to change the correspondence address of record with the Office. 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 lack of notification, or belated notification, to the U.S. Patent and Trademark Office of the change in correspondence address does not constitute unavoidable delay. See MPEP 711.03(c). Nor would the failure to promptly change the correspondence allow for withdrawing the holding of abandonment.

Alternative Venue

In the alternative, petitioner has requested the above petition be treated under 37 CFR 1.137(b).

The requirements for a grantable petition under 37 CFR 1.137(b) have been met. This petition is hereby **Granted**.

Deposit account no. 50-0329 will be charged the $1500.00 petition, $1400 issue and $300 publication fee pursuant to petitioner's request.

A copy of the Notice of Allowance and Fee(s) Due and the Notice of Allowability is being provided. Petitioner **should** submit the PTOL-85b to the Office of Patent Publication. If the petitioner desires to have the information normally found printed on the patent, the attached Transmittal Form should be completed and returned to the **Office of Patent Publication**, within **TWO WEEKS** from the mail date of this decision.

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Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3215.

Charlema R. Grant
Petitions Attorney
Office of Petitions

enclosure

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WESTERMAN HATTORI DANIELS & ADRIAN, LLP
1250 CONNENTICUT AVENUE, NW
SUITE 700
WASHINGTON, DC 20036

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FEB 09 2007

OFFICE OF PETITIONS

In re Patent No. 7,011,895 :
Issue Date: March 14, 2006 :
Application No. 10/874,755 : ON PETITION
Filed: June 24, 2004 :
Attorney Docket No. 042513 :

This is a decision on the petition filed June 9, 2006; which is being treated as a petition under 37 CFR 3.81(b)[1] to add the second assignee's name on the front page of the above-identified patent by way of a Certificate of Correction.

The petition is **granted.**

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3210. Any questions concerning the issuance of the Certificate of Correction should be directed to the Certificates of Correction Branch at (703) 305-8309.

This application is being forwarded to the Certificates of Correction Branch for issuance of the requested Certificate of Correction.

Irvin Dingle
Petitions Examiner
Office of Petitions

[1] See Official Gazette of June 22, 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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MORRISON & FOERSTER LLP
1650 TYSONS BOULEVARD
SUITE 400
MCLEAN, VA 22102

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SEP 20 2007

OFFICE OF PETITIONS

In re Application of :
Michael Kund, et al. :
Application No. 10/874,761 : DECISION ON PETITION
Filed: June 24, 2004 : TO WITHDRAW
Attorney Docket No. 543822007700 : 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 2, 2007.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Morrison & Foerster, LLP has been revoked by the assignee of the patent application on August 2, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to undersigned at 571-272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: SLATER & MATSIL, LLP
17950 PRESTON ROAD
SUITE 1000
DALLAS, TX 75252

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Paper No.

TRANSMETA C/O MURABITO, HAO & BARNES LLP
TWO NORTH MARKET STREET
THIRD FLOOR
SAN JOSE CA 95113

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DEC 0 5 2008

OFFICE OF PETITIONS

In re Application of	:	
Eric Chen-Li Sheng et al.	:	
Application No. 10/874,772	:	DECISION ON PETITION
Filed: June 22, 2004	:	PURSUANT TO
Attorney Docket No.: TRAN-P334	:	37 C.F.R. § 1.181(A)
Title: ADAPTIVE CONTROL OF	:	
OPERATING AND BODY BIAS	:	
VOLTAGES	:	

This is a decision on the petition filed October 8, 2008, pursuant to 37 C.F.R. § 1.181(a), requesting that the holding of abandonment in the above-identified application be withdrawn.

This petition pursuant to 37 C.F.R. § 1.181(a) is **DISMISSED**.

BACKGROUND

The above-identified application became abandoned for failure to submit the issue fee and drawings in a timely manner in reply to the Notice of Allowance and Issue Fee Due, mailed April 2, 2008, which set a shortened statutory period for reply of three months. No extensions of time are permitted for transmitting formal drawings or issue fees.[1] Accordingly, the above-identified application became abandoned on July 3, 2008. A Notice of Abandonment was mailed on July 30, 2008.

1 See MPEP § 710.02(e).

RELEVANT PORTIONS OF THE C.F.R. AND MPEP

37 C.F.R. § 1.134 sets forth, *in toto*:

> An Office action will notify the applicant of any non-statutory or shortened statutory time period set for reply to an Office action. Unless the applicant is notified in writing that a reply is required in less than six months, a maximum period of six months is allowed.

37 C.F.R. § 1.135 sets forth, *in toto*:

> (a) If an applicant of a patent application fails to reply within the time period provided under § 1.134 and § 1.136, the application will become abandoned unless an Office action indicates otherwise.
> (b) Prosecution of an application to save it from abandonment pursuant to paragraph (a) of this section must include such complete and proper reply as the condition of the application may require. The admission of, or refusal to admit, any amendment after final rejection or any amendment not responsive to the last action, or any related proceedings, will not operate to save the application from abandonment.
> (c) When reply by the applicant is a bona fide attempt to advance the application to final action, and is substantially a complete reply to the non-final Office action, but consideration of some matter or compliance with some requirement has been inadvertently omitted, applicant may be given a new time period for reply under § 1.134 to supply the omission.

Section 711.03(c)(I)(A) of the MPEP sets forth, *in toto*:

> In *Delgar v. Schulyer*, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of *Delgar*, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of Delgar is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133).
>
> To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. **The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable.** It is expected that the record would include, but not be limited to, the application number, attorney

docket number, the mail date of the Office action and the due date for the response.

Practitioner must state that the Office action was not received at the correspondence address of record, and that **a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.**

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. **If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.**

The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions).

Evidence of nonreceipt of an Office communication or action (e.g., Notice of Abandonment or an advisory action) other than that action to which reply was required to avoid abandonment would not warrant withdrawal of the holding of abandonment. Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment. See *Lorenz v. Finkl*, 333 F.2d 885, 889-90, 142 USPQ 26, 29-30 (CCPA 1964); *Krahn v. Commissioner*, 15 USPQ2d 1823, 1824 (E.D. Va 1990); *In re Application of Fischer*, 6 USPQ2d 1573, 1574 (Comm'r Pat. 1988).

(Emphases added).

ANALYSIS

With this petition, Petitioner has stated that the Notice of Allowance and Issue Fee Due, mailed April 2, 2008 was not received at the correspondence address of record.

Petitioner's assertion of non-receipt has not been adequately supported, as will be now pointed out.

First, Petitioner has not provided a statement describing the system used for recording an Office communication received at the correspondence address of record with the USPTO.

Second, Petitioner has not established that the docketing system is sufficiently reliable.

Third, the petition is silent as to any search that might have been performed of the file jacket (or the equivalent) and the application contents, in order to determine if the Notice of Allowance and Issue Fee Due was received.

Fourth, Petitioner has not provided a copy of the record(s) used by the practitioner where the allegedly non-received Notice of Allowance and Issue Fee Due would have been entered had it been received.

Finally, Petitioner has not provided a copy of the master docket for the firm, or stated that no such master docket exists and submitted other forms of evidence.

CONCLUSION

The time period for filing a renewed petition is governed by 37 C.F.R. § 1.181(f). Therefore, 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, and **extensions of time under 37 C.F.R. § 1.136(a) are not permitted**. The reply should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. § 1.181(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,[2] hand-delivery,[3] or facsimile.[4] Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.[5]

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

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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.
5 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html

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.[6] All other inquiries concerning examination procedures should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

6 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
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Paper No.

RANSMETA C/O MURABITO, HAO & BARNES LLP
TWO NORTH MARKET STREET
THIRD FLOOR
SAN JOSE CA 95113

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JUN 0 1 2009

OFFICE OF PETITIONS

In re Application of	:	
Eric Chen-Li Sheng et al.	:	
Application No. 10/874,772	:	DECISION ON PETITION
Filed: June 22, 2004	:	PURSUANT TO
Attorney Docket No.: TRAN-P334	:	37 C.F.R. § 1.137(B)
Title: ADAPTIVE CONTROL OF	:	
OPERATING AND BODY BIAS	:	
VOLTAGES	:	

This is a decision on the petition filed December 10, 2008, pursuant to 37 C.F.R. § 1.137(b), to revive the above-identified application.

This petition pursuant to 37 C.F.R. § 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to submit the issue fee and drawings in a timely manner in reply to the Notice of Allowance and Issue Fee Due, mailed April 2, 2008, which set a shortened statutory period for reply of three months. No extensions of time are permitted for transmitting formal drawings or issue fees.[1] Accordingly, the above-identified application became abandoned on July 3, 2008. A Notice of Abandonment was mailed on July 30, 2008.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

1 See MPEP § 710.02(e).

(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.

A petition pursuant to 37 C.F.R. § 1.181(a) was filed on October 8, 2008, and was dismissed via the mailing of a decision on December 5, 2008.

With this petition, Petitioner has submitted the petition and issue fees, along with formal drawings and the proper statement of unintentional delay. 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.[2]

Pursuant to this decision, the Office of Patent Publication will be notified of this decision so that the present application can be processed into a patent.

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 Office of Patent Publication 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 Office of Patent Publication 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.[3] All other inquiries

2 See Rule 1.137(d).
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 any further action(s) of Petitioner.

concerning the status of the application should be directed to the Office of Patent Publication at 571-272-4200.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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FEB 05 2007

OFFICE OF PETITIONS

CHRISTIE, PARKER & HALE LLP
P O BOX 7068
PASADENA, CA 91109-7068

In re Application of	:	
Kevin Behan et al	:	
Application No. 10/874,787	:	DECISION GRANTING PETITION
Filed: June 23, 2004	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 52825/DBP/S307	:	

This is a decision on the petition, filed February 2, 2007, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on January 16, 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 3671 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

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[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment.*

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COMMISSIONER FOR PATENTS
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ALEXANDRIA, VA 22313-1450
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FISH & NEAVE IP GROUP
ROPES & GRAY LLP
1251 AVENUE OF THE AMERICAS FL C3
NEW YORK, NY 10020-1105

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DEC 0 2 2005

OFFICE OF PETITIONS

In re Application of :
Martin Langhammer :
Application No. 10/874,790 : ON PETITION
Filed: June 22, 2004 :
Attorney Docket No.: ALT-208 CONT. :
:

This is a decision on the petition, filed December 1, 2005, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on September 29, 2005, in the above-identified application, cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance. [1]

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 2819 for further processing of the request for continued examination under 37 CFR 1.114.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1]The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

MAILED

MAY 04 2009

OFFICE OF PETITIONS

In re Application of :
Lawrence J. MALONE, et al :
Application No. 10/874,801 : DECISION ON PETITION
Filed: June 23, 2004 : TO WITHDRAW
Attorney Docket No. 022263-000510US FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 27, 2009.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request cannot be approved because the attorneys of record were not appointed by Customer Number 20350, as indicated.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: QUORUM SYSTEMS, INC.
9330 SCRANTON ROAD,
SUITE 450
SAN DIEGO, CA 92121

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEYER WEAVER LLP
P.O. BOX 70250
OAKLAND CA 94612-0250

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JAN 17 2008

OFFICE OF PETITIONS

In re Application of :
Gustafsson, et al. :
Application No. 10/874,802 :
Filed: June 22, 2004 :
Attorney Docket No. MXGNP004X2/0311-410 :
For: METHODS, SYSTEMS, AND SOFTWARE FOR IDENTIFYING FUNCTIONAL BIOMOLECULES

ON PETITION

This is a decision on the petition, filed October 30, 2007, under 37 CFR 1.137(b) to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely submit a proper reply within three (3) months of the mailing of the March 13, 2007 non-final Office action. Applicants obtained a three month extensions of time under the provisions of 37 CFR 1.136(a). This application became abandoned on September 14, 2007.

Applicants have submitted a continuing application, Application No. 11/981,578, filed October 30, 2007, in reply to the March 13, 2007 non-final Office action, a proper statement of the unintentional nature of the delay in responding to the March 13, 2007 non-final Office action, and the $1,5400.00 petition fee. All of the requirements under 37 CFR 1.137(b) being met, the petition is granted.

The application is being revived solely for purposes of continuity. As continuity has been established by this decision reviving the application, the application is again abandoned in favor of the continuing application under 37 CFR 1.53(b).

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

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United States Patent and Trademark Office
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PERKINS COIE LLP
P.O. BOX 2168
MENLO PARK CA 94026

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APR 14 2005

OFFICE OF PETITIONS

In re Application of :
Landen Higer et al. :
Application No. 10/874,803 : DECISION ACCORDING STATUS
Filed: June 22, 2004 : UNDER 37 CFR 1.47(a)
Attorney Docket No. 37469-8018.US01 :

This is in response to the communication filed March 14, 2005 which is treated under 37 CFR 1.47(a).[1]

The petition is **GRANTED**.

The above-identified application was filed on June 22, 2004, naming Landen Higer and Alexandre A.N. Baptista as joint inventors but without a signed declaration. Accordingly, on August 9, 2004, a "Notice To File Missing Parts of Application" was mailed, requiring *inter alia* a properly executed oath or declaration.

In response, an oath or declaration executed only by joint inventor Higer, a five month extension of time and the instant petition under 37 CFR 1.47(a) was filed. The petition argues that joint inventor Baptista refuses to sign the oath or declaration and thus by his 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 personally presented to Mr. Baptista and that letters sent via FEDEX, emails and telephone calls made to Mr.

---

[1]The communication filed in response to the Notice to File Missing Parts was not titled "Petition" but instead was "Statement of Facts in Support of Filing on Behalf of Nonsigning Inventor by Judy Lagera Vo and Brian Coleman, but has been treated as a petition.

Baptista were unsuccessful in getting him to comply with the request to execute the oath or declaration. The petitioners have shown that the non-signing inventor has expressly refused to cooperate with the filing of the instant application, in a conversation with Judy Lagera Vo, Senior Paralegal with the assignee and former employer of Mr. Baptista, Tilia International, Inc.

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.

Please be advised that deposit account no. 50-2207 has been charged $200.00 for the petition fee, as per the authorization found in the communication filed March 14, 2005. The application is being forwarded to Technology Center 3683 for examination in due course.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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ALEXANDRE A.N. BAPTISTA
8078 CREEKSIDE DUBLIN
DUBLIN, CA 94568

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APR 14 2005

OFFICE OF PETITIONS

In re Application of
Landen Higer et al.
Application No. 10/874,803
Filed: June 22, 2004
For: DECOUPLED VACUUM PACKAGING APPLIANCE

Dear Mr. Baptista:

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 Petitions Attorney at (571) 272-3212. 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).

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

cc:
PERKINS COIE LLP
P.O. BOX 2168
MENLO PARK CA 94026

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2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

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JAN 14 2005

OFFICE OF PETITIONS

In re Application of
Phan, et al.
Application No. 10/874,817
Filed: June 23, 2004
Attorney Docket No. NAGACO.073A
For: FLUIDIC CIRCUITS, METHODS AND APPARATUS FOR USE OF WHOLE BLOOD SAMPLES IN COLORIMETRIC ASSAYS

: DECISION ACCORDING STATUS
: UNDER 37 CFR 1.47(a)

This is in response to the petition under 37 CFR 1.47(a), filed December 20, 2004 (certificate of mailing date December 17, 2004).

The petition is granted.

Petitioners have shown that the non-signing inventor, John Francis Gordon, has constructively 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 Russell M. Jeide establishes that the inventor was successfully mailed the application papers, including the specification, claims and drawings, but the inventor has failed to respond to the request that he sign the declaration and has avoided speaking with Attorney Jeide. Petitioners have submitted a declaration in compliance with 37 CFR 1.63 and 1.64. Regarding finances, the current petition fee due for filing a Rule 47 petition is $200.00, not $130.00. Therefore, petitioners' deposit account has been charged an additional $70.00.

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 (571) 272-3230.

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

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JOHN FRANCIS GORDON
20 NEW JERSEY
IRVINE, CA 92606

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JAN 1 4 2005

OFFICE OF PETITIONS

In re Application of
Phan, et al.
Application No. 10/874,817
Filed: June 23, 2004
Attorney Docket No. NAGACO.073A
For: FLUIDIC CIRCUITS, METHODS AND APPARATUS FOR USE OF WHOLE BLOOD SAMPLES IN COLORIMETRIC ASSAYS

LETTER

Dear Mr. Gordon:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Requests for information regarding your application should be directed to the File Information Unit at (703)308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703)308-9726 or 1(800)972-6382 (outside the Washington D.C. area).

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3230.

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

ATTORNEY OF RECORD: KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
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IRVINE CA 92614

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FOLEY & LARDNER LLP
777 EAST WISCONSIN AVENUE
MILWAUKEE, WI 53202-5306

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APR 12 2010

OFFICE OF PETITIONS

In re Application of	:	
Allen G. TIMM, et al	:	
Application No. 10/874,818	:	DECISION ON PETITION
Filed: June 22, 2004	:	TO WITHDRAW
Attorney Docket No. 076565-0137	:	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, 2010.

The request is **NOT APPROVED because it is moot**.

A review of the file record indicates that the power of attorney to Adam M. Gustafson and the attorneys associated with Customer No. 26371, has been revoked by the assignee of the patent application on March 24, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-6735.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/874,818	06/22/2004	Allen G. Timm	076565-0137

CONFIRMATION NO. 5117

22884
MIDDLETON & REUTLINGER
2500 BROWN & WILLIAMSON TOWER
LOUISVILLE, KY 40202

POA ACCEPTANCE LETTER

OC000000040984407

Date Mailed: 04/06/2010

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/24/2010.

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.

/dcgoodwyn/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/874,818	06/22/2004	Allen G. Timm	076565-0137

CONFIRMATION NO. 5117

POWER OF ATTORNEY NOTICE

26371
FOLEY & LARDNER LLP
777 EAST WISCONSIN AVENUE
MILWAUKEE, WI 53202-5306

Date Mailed: 04/06/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/24/2010.

- 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).

/dcgoodwyn/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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FREUDENBERG-NOK GENERAL PARTNERSHIP
LEGAL DEPARTMENT
47690 EAST ANCHOR COURT
PLYMOUTH MI 48170-2455

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OCT 05 2007

OFFICE OF PETITIONS

In re Application of :
CHAD DAVID BAUER :
Application No. 10/874,838 : DECISION ON PETITION
Filed: 06/23/2004 :
Attorney Docket No. 04-0002 (8470-000052) :

This is a decision on the petition filed July 16, 2007, to withdraw the holding of abandonment for the above-identified application.

The application became abandoned for failure to reply in a timely manner to the Office action under Ex parte Quayle, 1935 Dec. Comm'r Pat. 11 (1935), mailed December 4, 2006, 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 application became abandoned on February 5, 2007. The Office mailed a Notice of Abandonment on July 12, 2007.

In the present petition, the practitioner requested that the Office withdraw the holding of abandonment due to non-receipt of the Office Action.

PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

A review of the record indicates no irregularity in the mailing of the Office Action, and in the absence of any irregularity in the mailing, there is a strong presumption that the Office Action was properly mailed to the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. The showing required to establish non-receipt of an Office communication must include a statement from the practitioner, stating that the practitioner did not receive the Office communication and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. See MPEP 711.03(c)(I)(A). For example, if a three-month period for reply was set in the non-received Office communication, a copy of the docket report showing all replies docketed for a date three months from the mail date of the non-

received Office communication must be submitted as documentary proof of non-receipt of the Office communication. The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office communication may have been lost after receipt rather than a conclusion that the Office communication was lost in the mail (*e.g.* if the practitioner has a history of not receiving Office communications).

After reviewing the documents and statements submitted on petition, the Office concludes that the showing of record is sufficient to warrant withdrawal of the holding of abandonment. The practitioner for applicants submitted copies of docket records where the Office Action would have been entered had it been received and docketed. The practitioner attested to the fact that a search of the file jacket and docket records indicated that the Office Action was not received. Accordingly, applicants presented the required showing under 37 CFR 1.181.

The petition under 37 CFR 1.181 is **GRANTED**. The holding of abandonment is hereby withdrawn and the application is restored to pending status. The fee of $400.00 submitted with the present will be refunded to the Deposit Account.

This matter is being referred to Technology Center Art Unit 3726 for review of the reply submitted on July 30, 2007.

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
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INTEL CORPORATION
C/O INTELLEVATE, LLC
P.O. BOX 52050
MINNEAPOLIS MN 55402

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JAN 16 2009

In re Application of :
Edward L. Martin et al :
Application No. 10/874,843 : DECISION ON PETITION
Filed: June 23, 2004 :
Attorney Docket No.884.C21US1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 21, 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 the issue fee and publication fees; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of Allowance mailed April 18, 2008, 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 Office of Data Management to be processed into a patent.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/874,843	06/23/2004	Edward L. Martin	884.C21US1

CONFIRMATION NO. 7379

POA ACCEPTANCE LETTER

59796
INTEL CORPORATION
c/o INTELLEVATE, LLC
P.O. BOX 52050
MINNEAPOLIS, MN 55402

OC000000034006924

Date Mailed: 01/12/2009

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/21/2008.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/kocreasy/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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NOV -4 2005

In re Application of
Line A. Rossetti
Application No. 10/874,858
Filed: June 24, 2004
For: COMBINATION DIP AND CAKE HOLDER AND PUNCH BOWL

DECISION ON PETITION

This is a decision on the petition to make special filed on December 30, 2004. The petition is submitted pursuant to the practice established in MPEP § 708.02(II) "Infringement." The $130.00 petition fee has been submitted.

The petition is dismissed.

A review of the petition reveals that applicant does not include a statement that petitioner "has made or caused to be made a careful and thorough search of the prior art or has a good knowledge of the prior art." The petition does not indicate that petitioner has provided a 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.

Petitioner may file a renewed petition, perfecting the originally filed petition. Any renewed petition must be filed within two months of the date of this Decision. See 37 CFR 1.181(f).

PETITION DISMISSED.

Richard A. Bertsch, Director
Technology Center 3700

Line A. Rossetti
225 Chicago Avenue
Valparaiso, FL 32580

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LINE A. ROSSETTI
225 CHICAGO AVENUE
VALPARAISO FL 32580

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FEB 17 2006

OFFICE OF PETITIONS

In re Application of :
Rossetti, Line A. :
Application No. 10/874,858 : ON PETITION
Filed: June 24, 2004 :
Title: COMBINATION DIP AND CAKE :
HOLDER AND PUNCH BOWL

This is a decision on the renewed petition under 37 CFR §1.102(d), filed January 11, 2006, to make the above-identified application special.

The petition requests that the above-identified application be made special under the accelerated examination procedure set forth in M.P.E.P. § 708.02, Section II: Infringement.

The petition is **GRANTED.**

A grantable petition to make an application special under 37 CFR §1.102(d) and MPEP §708.02, Section II: Infringement, must be accompanied by the required fee pursuant to 37 CFR 1.17(h) and a statement by the applicant, assignee, or attorney/agent registered to practice before the office alleging:

(A) That there is an infringing device or product actually on the market or method in use;

(B) That a rigid comparison of the alleged infringing device, product, or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed; and

(C) That he or she has made or caused to be made a careful and thorough search of the prior art or has a good knowledge of the pertinent prior art.

Applicant must provide one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record.

The petition complies with all the above stated requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Petitions Examiner Liana Chase at (571) 272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 3727 for expedited prosecution.

David Bucci
Petitions Examiner
Office of Petitions

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/874,860	06/23/2004	3763	900	J&J-5043CIP3	11	20	2

CONFIRMATION NO. 7349

UPDATED FILING RECEIPT

OC000000013936473

000027777
PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK, NJ 08933-7003

Date Mailed: 09/30/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Ying Sun, Belle Mead, NJ;
Jeffrey Wu, Warrington, PA;
Jue-Chen Liu, Belle Mead, NJ;
Aliya Omer, Princeton, NJ;

Power of Attorney: The patent practitioners associated with Customer Number **000027777**.

Domestic Priority data as claimed by applicant

This application is a CIP of 10/685,282 10/14/2003
which is a CIP of 10/609,727 06/30/2003

Foreign Applications

If Required, Foreign Filing License Granted: 08/17/2004

The number of your priority application, to be used for filing abroad under the Paris Convention is,
US10/874,860

Projected Publication Date: 01/06/2005

Non-Publication Request: No

Early Publication Request: No

Title

Methods of treating a wound with galvanic generated electricity

Preliminary Class

604

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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Wei-Lien Liu
7F., No. 213, Civic Boulevard. Sec. 4
Taipei 105 TW
TAIWAN

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DEC 0 9 2004

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Liu et al. :
Application No. 10/874,868 :
Filed: June 23, 2004 :
Attorney Docket No. P02574-F007 :

This is a decision in response to the papers filed September 7, 2004, which are being treated as a petition under 37 CFR 1.182.

The petition is **dismissed**.

The application was filed on June 23, 2004.

On August 10, 2004, the Office of Initial Patent Examination mailed a "Notice of Omitted Item(s)" stating that the application had been accorded a filing date of June 23, 2004, and advising applicants that Figure 11 of the drawings appeared to have been omitted.

The Notice gave petitioner three options:

(1) file a petition contending and proving the missing item was in fact filed with the original application,
(2) supply the missing item and file a petition request the filing date be the date the missing item is filed, or
(3) take no action and constructively accept the application as originally filed without the missing item.

Petitioner has only submitted a copy of the missing item. Petitioner does not allege or prove the missing item was filed with the original application. Petitioner does not ask for a later filing date. The exact relief being requested is unclear.

For the reasons listed above, the petition cannot be granted. Figure 11 submitted with the petition will not be entered.

Unless a request for reconsideration is filed, an amendment to the specification deleting references to the missing Figure should be filed prior to the first USPTO action in order to avoid further delays in the examination of the application. In the alternative, if petitioner desires for the examiner to consider a Figure which was not submitted as part of the original disclosure, then petitioner may seek to submit some or all of those pages as an amendment. Any such amendment will, of course, be reviewed by the examiner for new matter. See MPEP 608.02(a).

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.

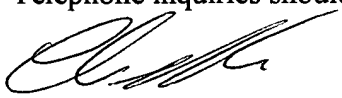
Any request for reconsideration should be addressed as follows:

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

By hand: U.S. Patent and Trademark Office
220 20th Street South
Customer Window, Mail Stop Petition
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.



Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

Wei-Lien Liu
7F., No. 213, Civic Boulevard. Sec. 4
Taipei 105 TW TAIWAN

In re Application of :
Wei-Lien Liu, et al. :
Application No. 10/874,868 : ON PETITION
Filed: June 23, 2004 :
Attorney Docket No. P02574-F007

This is a decision on the petition under 37 CFR 1.181 to withdraw the holding of abandonment, filed on October 25, 2006.

The petition is **DISMISSED**.

The above-cited application was filed on June 23, 2004. On August 10, 2004, a Notice of Omitted Items of Non-provisioanl Application was mailed indicating that Figure 11, as described in the specification, was not found with original application papers. The notice allowed non-extendable period of reply of two-months from its mailing date. On September 7, 2004, applicant filed a reply to the Notice of Omitted Items, which included a copy of Figure 11 and a declaration under 37 CFR 1.63. On December 9, 2004, a petition decision was mailed, allowing a two month-period for reply. The decision stated that the copy of Figure 11 filed September 7, 2006, would not be entered into the record because it was not accompanied by an amendment requesting entry thereof, nor was it accompanied by *prima facie* evidence, that Figure 11 accompanied the original application papers, nor was it accompanied by request for acceptance of later filing date. The record reflects that a response to the petition decision was ever filed.

On February 24, 2006, an *Ex Parte Quayle* Office action was mailed, allowing shortened period for reply of two-months from the its mailing date. The *Ex Parte Quayle* Office action indicated that the drawings were objected to because Figure 11, as described in the specification, is not of record. The *Ex Parte Quayle* Office action required amendment of the specification to correct this discrepancy. On April 11, 2006, applicant filed a response that consisted only of a copy of Figure 11 and a petition indicating that Figure 11 was filed with the original application papers. No amendment to the specification, or amendment requesting entry of Figure 11, was filed, and no documentation was filed to establish a *prima facie* case that Figure 11 accompanied the original application papers.

Section 601.01(g) of the *Manual of Patent Examining Procedure* provides in pertinent part, that:

> The mailing of a "Notice of Omitted Item(s)" will permit the applicant to:
>
> (A) promptly establish prior receipt in the USPTO of the drawing(s) at issue. An applicant asserting that the drawing(s) was in fact received by 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 CFR 1.53(e) with the petition fee set forth in 37 CFR 1.17(f), along with evidence of such deposit (37 CFR 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 2-month period is not extendable under 37 CFR 1.136;

(B) promptly submit the omitted drawing(s) in a nonprovisional application and accept the date of such submission as the application filing date. An applicant desiring to submit the omitted drawing(s) in a nonprovisional application and accept the date of such submission as the application filing date must, within 2 months from the date of the "Notice of Omitted Item(s)," file any omitted drawing(s) with an oath or declaration in compliance with 37 CFR 1.63 and 37 CFR 1.64 referring to such drawing(s) and a petition under 37 CFR 1.182 with the petition fee set forth in 37 CFR 1.17(f), requesting the later filing date (37 CFR 1.181(f)). The 2-month period is not extendable under 37 CFR 1.136; or

(C) accept the application as deposited in the USPTO. Applicant may accept the application as deposited in the USPTO by either:

(1) not filing a petition under 37 CFR 1.53(e) or 37 CFR 1.182 (and the required petition fee) as discussed above within 2 months of the date of the "Notice of Omitted Item(s)." The failure to file a petition under 37 CFR 1.53(e) or 37 CFR 1.182 will be treated as constructive acceptance by the applicant of the application as deposited in the USPTO. The application will maintain the filing date as of the date of deposit of the original application papers in the USPTO. The original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the original date of deposit. Amendment of the specification is required in a nonprovisional application to cancel all references to the omitted drawing, both in the brief and detailed descriptions of the drawings and including any reference numerals shown only in the omitted drawings. In addition, an amendment with replacement sheets of drawings in compliance with 37 CFR 1.121(d) is required in a nonprovisional application to renumber the drawing figures consecutively, if necessary, and amendment of the specification is required to correct the references to the drawing figures to correspond with any relabeled drawing figures, both in the brief and detailed descriptions of the drawings. Such amendment should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application, or

(2) filing an amendment under 37 CFR 1.57(a). If an application was filed on or after September 21, 2004, and contains a claim under 37 CFR 1.55 for priority of a prior-filed foreign application, or a claim under 37 CFR 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application that was present on the filing date of the application, and the omitted portion of the drawings was inadvertently omitted from the application and is completely contained in the prior-filed application, applicant may submit an amendment to include the inadvertently omitted portion of the drawings pursuant to 37 CFR 1.57(a). Such amendment should be by way of a preliminary amendment and the preliminary amendment must be submitted within 2 months from the date of the "Notice of Omitted Item(s)." The amendment should be identified as an amendment pursuant to 37 CFR 1.57(a) and must comply with the requirements of 37 CFR 1.57(a) and 37 CFR 1.121. See MPEP § 201.17. The application will maintain the filing date as of the date of deposit of the original application papers in the USPTO. The original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the original date of deposit. The 2-month period is not extendable under 37 CFR 1.136.

> Any petition under 37 CFR 1.53(e) or 37 CFR 1.182 not filed within the 2-month period set in the "Notice of Omitted Item(s)" may be dismissed as untimely. 37 CFR 1.181(f). Under the adopted procedure, the USPTO may strictly adhere to the 2-month period set forth in 37 CFR 1.181(f), and dismiss as untimely any petition not filed within the 2-month period. This strict adherence to the 2-month period set forth in 37 CFR 1.181(f) is justified as such applications will now be forwarded for examination at the end of the 2-month period. It is further justified in instances in which applicant seeks to submit the omitted drawing(s) in a nonprovisional application and request the date of such submission as the application filing date as: (A) according the application a filing date later than the date of deposit may affect the date of expiration of any patent issuing on the application due to the changes to 35 U.S.C. 154 contained in Public Law 103-465, § 532, 108 Stat. 4809 (1994); and (B) the filing of a continuation-in-part application is a sufficiently equivalent mechanism for adding additional subject matter to avoid the loss of patent rights.
>
> The submission of omitted drawing(s) in a nonprovisional application and acceptance of the date of such submission as the application filing date is tantamount to simply filing a new application. Thus, applicants should consider filing a new application as an alternative to submitting a petition under 37 CFR 1.182 (with the petition fee under 37 CFR 1.17(f)) with any omitted drawing(s), which is a cost effective alternative in instances in which a nonprovisional application is deposited without filing fees. Likewise, in view of the relatively low filing fee for provisional applications, and the USPTO's desire to minimize the processing of provisional applications, the USPTO will not grant petitions under 37 CFR 1.182 to accept omitted drawing(s) and accord an application filing date as of the date of such submission in provisional applications. The applicant should simply file a new completed provisional application.
>
> Applications in which a "Notice of Omitted Item(s)" has been mailed will be retained in OIPE for a period of 2 months from the mailing date of the notice. Nonprovisional applications that are complete under 37 CFR 1.51(b) will then be forwarded to the appropriate Technology Center for examination of the application. Provisional applications that are complete under 37 CFR 1.51(c) will then be forwarded to the Files Repository. The current practice for treating applications that are not complete under 37 CFR 1.51(b) and (c) will remain unchanged (37 CFR 1.53(f) and (g)).<

Applicant did not properly exercise any of the options set forth above. Therefore, Figure 11 was not ever made of record. The *Ex Parte Quayle* Office action required applicant to correct the discrepancy in the specification by filing an amendment to the specification or amendment requesting entry of Figure 11. Applicant did not file an amendment of any kind in response to the *Ex Parte Quayle* Office action, rather relied on previous uncorroborated assertions that Figure 11 accompanied the original application papers. Applicant is advised that the only to have established that Figure 11 accompanied the original application papers is to have a filed an itemized Office date-stamped postcard in response to the Notice of Omitted Items of Non-provisional application whereby the USPTO would have acknowledged receiving Figure 11. Figure 11 was not previously made of record; applicant was required to provide a bona-fide response to the *Ex Parte Quayle* Office action by filing an amendment correcting the specification or requesting entry of Figure 11. Applicant did not provide a response to the *Ex Parte Quayle* Office action and the application was properly abandoned, accordingly.

Alternatively, petitioner may revive the application based on unintentional abandonment under 37 CFR 1.137(b) (enclosed). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by the required reply, the required petition fee ($1500.00 for a large entity and $750.00 for a verified small entity), and a statement that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Petitioner must

provide a proper response to the *Ex Parte Quayle* Office action or the petition under 37 CFR 1.137(b) will be dismissed.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
United States Patent and Trademark Office
Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Enclosure : Form PTO/SB/64

PTO/SB/64 (04-07)
Approved for use through 09/30/2007. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Docket Number (Optional)

First named inventor:

Application No.: Art Unit:

Filed: Examiner:

Title:

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
(1) Petition fee;
(2) Reply and/or issue fee;
(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
(4) Statement that the entire delay was unintentional.

1.Petition fee

☐ Small entity-fee $ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity – fee $ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of _____(identify type of reply):

☐ has been filed previously on _____.
☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of $ _____.

☐ has been paid previously on _____.
☐ is enclosed herewith.

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

3. Terminal disclaimer with disclaimer fee

☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of $ _____ for a small entity or $ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

_____ _____
Signature Date

_____ _____
Typed or printed name Registration Number, if applicable

_____ _____
Address Telephone Number

_____
Address

Enclosures: ☐ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

_____ _____
Date Signature

_____
Typed or printed name of person signing certificate

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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DIW 09-04

HOVEY WILLIAMS LLP
SUITE 400
2405 GRAND BLVD.
KANSAS CITY MO 64108

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SEP 24 2004

OFFICE OF PETITIONS

In re Application of	:	
Dempster et al.	:	DECISION GRANTING
Application No. 10/874,871	:	PETITION
Filed: 22 June, 2004	:	
Attorney Docket No. 34078	:	

This is a decision on the petition under 37 CFR 1.53, filed on 18 August, 2004, requesting that the above-identified application, without drawings, be accorded a filing date of 22 June, 2004.

The application was filed on 22 June, 2004, without drawings.[1] Accordingly, on 11 August, 2004, Initial Patent Examination Division mailed a "Notice of Incomplete Nonprovisional Application" stating, *inter alia*, that no filing date had been assigned because the application was deposited without drawings, and requiring drawings be filed if necessary. In response, on 18 August, 2004, the present petition was filed.

Petitioners state that the drawings were not present among the application papers filed on 22 June, 2004, but argue that the drawings are not necessary because the application contains method claims.

It has been PTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).[2] A review of the record reveals that Claims 1-11 are method claims. Therefore, the present application is deemed to be an application which does not require a drawing for an understanding of the invention.

---

[1] 35 U.S.C. § 113 (first sentence) requires a drawing "where necessary for the understanding of the subject matter sought to be patented."

[2] MPEP 601.01(f).

Accordingly, the application, as filed, is entitled to a filing date.

The petition is granted. Since the petition was necessitated by an error on the part of the USPTO, the petition fee submitted with the present petition is unnecessary and will be credited to counsel's deposit account, No. 19-0522 as authorized in the present petition.

The "Notice of Incomplete Nonprovisional Application" mailed on 11 August, 2004, was sent in error and is hereby vacated.

The application will be processed and examined using only the application papers filed on 22 June, 2004.

The application is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of 22 June, 2004, using only the application papers present on filing.

Telephone inquiries specific to this matter should be directed to the undersigned at 703.308.6918.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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JAN 27 2009

OFFICE OF PETITIONS

FINA TECHNOLOGY INC
PO BOX 674412
HOUSTON TX 77267-4412

In re Application of :
James R. Butler, et. al. :
Application No. 10/874,887 : DECISION ON PETITION
Filed: June 23, 2004 :
Attorney Docket No. COS 810 CIP/DIV (000040) :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 9, 2009, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before December 2, 2008 as required by the Notice of Allowance and Fee(s) Due, mailed September 2, 2008. Accordingly, the date of abandonment of this application is December 3, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1510 and the publication fee of $300, (2) the petition fee of $1620; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Denise Williams at (571) 272-8930.

This application is being referred to the Office of Data Management for processing into a patent.

Brian W. Brown
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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www.uspto.gov

William F. Lawrence, Esq.
c/o FROMMER, LAWRENCE & HAUG LLP
745 Fifth Avenue
New York, NY 10151

Mail Date: 04/21/2010

Applicant	: Sergiy Pazenok	: DECISION ON REQUEST FOR
Patent Number	: 7608736	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/874,966	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/23/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1107** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:

DATE 8-8-07

TO SPE OF : ART UNIT 1724

SUBJECT : Request for Certificate of Correction on Patent No.: 10/874,977 - 7229952

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - ST (South Tower) 9A22
Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance — **Certificates of Correction Branch**

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

- [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

DUANE SMITH
SUPERVISORY PATENT EXAMINER

SPE: 1724 **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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PATTERSON & SHERIDAN L.L.P.
595 SHREWSBURY AVE, STE 100
FIRST FLOOR
SHREWSBURY NJ 07702

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NOV 26 2007

OFFICE OF PETITIONS

In re Application of
Sameer Nanda et al.
Application No. 10/875,013
Filed: June 23, 2004
Attorney Docket No. NVDA P001148

: DECISION GRANTING PETITION

This is a decision on the petition, filed October 1, 2007, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the present nonprovisional application is the subject of a foreign or international application filed on June 4, 2004. However, the U.S. Patent and Trademark Office was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in a foreign country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country, or under a multilateral international agreement, that requires publication of applications 18 months after filing.

A petition under 37 CFR 1.137(f) must be accompanied by:

(1) the reply which is met by the notification of such filing in a foreign country or under a multinational treaty;

(2) the petition fee as set forth in 37 CFR 1.17(m); and

(3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The present petition has been found to be in compliance with 37 CFR 1.137(f). Accordingly, the failure to timely notify the Office of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(I) has been rescinded. The projected publication date is March 6, 2008 and a copy of the communication regarding rescission is included herein.

The petition fee in the amount of $1540.00 has been applied to the finance records for this application. The duplicate payment has been refunded to deposit account no. 20-0782 as requested in the refund request filed October 11, 2007.

This matter is being referred to Technology Center 2616 for examination in due course.

Telephone inquiries related to this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

ATTACHMENT: Communication Regarding Rescission of Nonpublication Request And/or Notice of Foreign Filing

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/875,013	06/23/2004	Sameer Nanda	NVDA P001148

CONFIRMATION NO. 9699

26291
PATTERSON & SHERIDAN L.L.P.
595 SHREWSBURY AVE, STE 100
FIRST FLOOR
SHREWSBURY, NJ 07702

NONPUBLICATION RESCISSION LETTER

Date Mailed: 11/26/2007

Communication Regarding Rescission Of Nonpublication Request and/or Notice of Foreign Filing

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 03/06/2008.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"[1] then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282. Questions regarding publications of patent applications should be directed to the patent application publication hotline at (703) 605-4283 or by e-mail pgpub@uspto.gov.

[1] Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

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FEB 10 2005

TECHNOLOGY CENTER 3600

HENRICKS SLAVIN AND HOLMES LLP
SUITE 200
840 APOLLO STREET
EL SEGUNDO, CA 90245

In re application of : **DECISION ON PETITION**
Robert B. Dybdal et al. : **TO MAKE SPECIAL**
Application No. 10/875,025 : **(APPLICANT'S AGE)**
Filed: June 22, 2004 :
For: MAIN BEAM ALIGNMENT VERIFICATION FOR TRACKING ANTENNAS

This is a decision on the petition submitted on October 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 signed declaration indicating Mr. Pidhayny 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**.

Kenneth J. Dorner
Special Programs Examiner
Technology Center 3600
(703) 308-0866

KJD/slb: 02/02/05

UNITED STATES PATENT AND TRADEMARK OFFICE

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ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK NJ 08933-7003

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NOV 0 4 2005

OFFICE OF PETITIONS

In re Application of	:	
Sun et al.	:	
Application No. 10/875,032	:	ON PETITION
Filed: June 23, 2004	:	
Attorney Docket No. J&J5043CIP7	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed October 28, 2005, to revive the above-identified application.

The petition is **GRANTED.**

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the response has been accepted as having been unintentionally delayed.

This matter is being referred to Technology Center 3700 for further examination on the merits.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3282.

Liana Chase
Petitions Examiner
Office of Petitions

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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

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SEP 29 2008

OFFICE OF PETITIONS

Applicant: Ben Huang
Application No.: 10/875,035
Filed: June 23, 2004
Title: SINGLE PANEL GOLF CLUB GRIP WITH EVA INSIDE LAYER

: **DECISION**
: **DISMISSING**
: **PETITION**

This is a decision on the "PETITION TO WAIVE THE COPY REQUIREMENT UNDER 37 C.F.R. § 1.183," filed May 3, 2006 ("the petition"), seeking suspension of 37 CFR 1.98 with respect to the submission of copies of references cited in an Information Disclosure Statement (IDS), and requesting that the Office associate electronic versions of the references from the Image File Wrapper (IFW) of co-pending Application No. 10/167,216 (hereinafter "the '216 application") with the present application.

The petition fee of $400.00 pursuant to 37 CFR 1.17(f) for the petition under 37 CFR 1.183 will be charged to petitioner's Deposit Account No. 11-1410, pursuant to the authorization for payment of any additional fees on page 2 of the Request for Continued Examination, filed on May 3, 2005, to which petitioner attached a courtesy copy of the petition.

For the reasons set forth herein, the petition is dismissed.

DISCUSSION

37 CFR 1.98(a)(2) provides that any IDS filed under § 1.97 shall include:

> A legible copy of:
>
> (i) Each foreign patent;
>
> (ii) Each publication or that portion which caused it to be listed, other than U.S. patents and U.S. patent application publications unless required by the Office;
>
> (iii) For each cited pending unpublished U.S. application, the application specification including the claims, and any drawing of the application, or that portion of the application which caused it to be listed including any claims directed to that portion; and

> (iv) All other information or that portion which caused it to be listed.

37 CFR 1.183 states:

> In an extraordinary situation, when justice requires, any requirement of the regulations in this part which is not a requirement of the statutes may be suspended or waived by the Director or the Director's designee, sua sponte, or on petition of the interested party, subject to such other requirements as may be imposed. Any petition under this section must be accompanied by the petition fee set forth in § 1.17(f).

The instant petition has been fully considered. 37 CFR 1.98(a)(2) requires legible copies of certain documents listed on an IDS filed under 37 CFR 1.97 be submitted to the Office. Petitioner seeks waiver of this copy requirement for an IDS listing 158 references. The provisions of 37 CFR 1.98(a)(2) may be waived under 37 CFR 1.183 where a petitioner demonstrates an extraordinary situation in which justice requires suspension of the rule.

In support of his petition for waiver of the rule, petitioner notes that physical copies of the non-U.S. patent references cited in the IDS have been filed in the '216 application, and were scanned by the Office into the IFW of the '216 application. Petitioner further notes that these non-U.S. patent references "fill roughly 2 document boxes," and that the applicant intends to file these references in six additional co-pending applications, as well as in other applications yet to be filed.[1] Accordingly, "[b]ecause of the extraordinary burden of providing at least seven (7) copies of the same 2 boxes of documents," petitioner requests waiver of the copy requirement of 37 CFR 1.98, and further requests that the Office associate the references that were scanned into the IFW of the '216 application with the present application.

As a general rule, waiver of a rule in the interest of justice is not available when there is recourse within the rules of practice. In this instance, petitioner requests waiver of the rules governing submission of documents to the Office based on the alleged burden of submitting to the Office physical copies of numerous references in multiple applications. In lieu of submitting to the Office physical copies of the references, however, petitioner may use the Office's Web-based electronic filing system (EFS-Web) to submit electronic copies of the references to the Office.[2] In this way, petitioner need only scan the references into an acceptable electronic format (e.g., Adobe Portable Document Format (PDF)) once, and can then submit the scanned references to the Office via EFS-Web in any number of applications.

Additionally, Office systems, as currently configured, do not have the capability of copying in bulk the 158 references from the IFW of the '216 application into the IFWs of other applications. Thus, if the Office were to grant petitioner's request to "associate" the references in the IFW of

[1] *See* petition at pages 1-2.

[2] *See Manual of Patent Examining Procedure* § 609.07 (8th ed. 2001) (Rev. 7, July 2008) (providing that "[a]s of May of 2002 IDSs may be submitted to the Office via the EFS" and that "[a]s of January 2007, an e-IDS filed via EFS-Web may include citations of U.S. patents, U.S. patent application publications, foreign patent documents and non-patent literature (NPLs)").

the '216 application with the present application, the logistics of insuring that each of the 158 references is properly identified from the IFW of '216 application and included in the IFW present application would be shifted to the Office. Accuracy of the patent application's file should be paramount when determining who is better positioned to provide the required copies of references cited in an IDS. Clearly, applicant has greater knowledge of the references cited in the IDS and is better able to address issues that may arise during introduction of the copies of the references into the application. For these reasons, applicant is better positioned to supply the required copies of the IDS references in question, and therefore must comply with 37 CFR 1.98(a)(2).

Moreover, petitioner should note that the duty to disclose under 37 CFR 1.56 is limited to "information material to patentability" as defined in 37 CFR 1.56(b), which specifically excludes material which is "cumulative to information of record or being made of record." Petitioner appears to be submitting a bulk of information from litigation involving one or more co-owned patents merely on the basis that the patents being litigated share a priority claim with the present application or include subject matter that is "arguably related" to the present application.[3] Petitioner is reminded of his duty under 37 CFR 11.18(b)(2) to review all the documents prior to their submission in order to ensure that the documents are proper for submission to the Office.[4]

Accordingly, for all of the reasons set forth above, petitioner has not presented facts that demonstrate an extraordinary situation in which justice requires suspension of 37 CFR 1.98(a)(2), and the petition is dismissed.

CONCLUSION

The petition is dismissed for the reasons set forth herein, and the application is being forwarded to Technology Center 3700 for further processing. Telephone inquiries regarding this communication should be directed to Nicole Dretar at (571) 272-7717.

Brian E. Hanlon

Brian Hanlon
Deputy Director
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

[3] *See* petition at page 1.
[4] The provisions of § 11.18 were previously set forth in former § 10.18. *See Changes to Representation of Others Before the United States Patent and Trademark Office*, 73 FR 47650, 47653, 47689 (Aug. 14, 2008), 1334 *Off. Gaz. Pat. Office* 127, 133, 204 (Sept. 9, 2008) (final rule).

UNITED STATES PATENT AND TRADEMARK OFFICE

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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

Mail Date: 04/20/2010

Applicant	: Ben Huang	: DECISION ON REQUEST FOR
Patent Number	: 7585230	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/875,035	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/23/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **612** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 2/2/09

TO SPE OF : ART UNIT 3764

SUBJECT : Request for Certificate of Correction for Appl. No.: 10875049 Patent No.: 7462134

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

Valerie Jackson
Certificates of Correction Branch
703-308-9390 ext. 114

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- [X] **Approved** — All changes apply.
- [ ] **Approved in Part** — Specify below which changes do not apply.
- [ ] **Denied** — State the reasons for denial below.

Comments: Approved. ARCnow

LOAN H. THANH
SUPERVISORY PATENT EXAMINER

SPE

3764
Art Unit

Attorney Docket No.: 33270/US/2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re:

Approved 12C

Inventors:	Andrew P. Lull et al.	Confirmation No.: 8310
Appln. No.:	10/875,049	Group Art Unit: 3764
Filing Date:	June 22, 2004	Examiner: Crow, Stephen R.
Patent No.:	7,462,134 B2	
Issued:	December 9, 2008	
For:	VARIABLE STRIDE EXERCISE DEVICE	

Commissioner for Patents
Attn.: Certificate of Corrections Branch
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR CERTIFICATE OF CORRECTION OF PATENT FOR UNITED STATES PATENT AND TRADEMARK OFFICE MISTAKE UNDER 37 C.F.R. § 1.322(a)

Dear Sir:

Applicants respectfully request the issuance of a Certificate of Correction for U.S. patent No. 7,462,134 B2, in order to correct the following United States Patent and Trademark Office error:

1. Item (56), References Cited, Other Publications, the omission of one non-patent literature document. The reference was cited in the Information Disclosure Statement filed on May 12, 2006.

Also attached hereto is Form PTO-1050, to be used for the Certificate of Correction.

Correction of the error presented herein does not involve new matter or require re-examination.

The Applicant respectfully asks the Commissioner to grant this Request for Certificate of Correction addressing the error noted herein.

Attorney Docket No.: 33270/US/2

Please send the Certificate of Correction to:

Lee R. Osman, Esq.
DORSEY & WHITNEY LLP
370 Seventeenth Street, Suite 4700
Denver, CO 80202-5647.

It is believed the error was made by the United States Patent and Trademark Office and no fee is due. However, if any fees are deemed necessary, such fees may be charged to Deposit Account No. 04-1415.

Respectfully submitted,

Dated: 12-23-08

Lee R. Osman, Reg. No. 38,260
DORSEY & WHITNEY LLP
370 Seventeenth Street, Suite 4700
Denver, Colorado 80202-5647
Tel.: (303) 629-3400
Fax: (303) 629-3450

USPTO Customer No. 80705

Attorney Docket No. 33270/US/2
PTO/SB/44 (09-07) (Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO.	:	7,462,134 B2
APPLICATION NO.	:	10/875,049
INVENTOR(S)	:	Andrew P. Lull 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:

Title page, Item (56), References Cited, OTHER PUBLICATIONS, insert the following:

"Nautilus Home Health & Fitness Catalog", Nautilus, Inc., pages 1-56 (2004).

APPROVED: /S.C./

/Stephen Crow/ 02/17/2009

Mailing address of Sender:

Dorsey & Whitney LLP
370 Seventeenth Street, Suite 4700
Denver, CO 80202-5647
Phone: (303) 629-3400
Fax: (303) 629-3450
4849-9866-1635\1

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United States Patent and Trademark Office
P.O. Box 1450
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www.uspto.gov

Paper No.

Sandra P. Thompson
Bingham McCutchen, LLP
600 Anton Blvd., 18th Floor
Costa Mesa, CA 92626

COPY MAILED

OCT 0 6 2004

OFFICE OF PETITIONS

In re Application of :
Iwamoto et al. :
Application No. 10/875,050 : DECISION ON PETITION
Filed: June 22, 2004 :
Title: LAYERED COMPONENTS, :
MATERIALS, METHODS OF PRODUCTION :
AND USES THEREOF :

This is a decision on the "PETITION TO ESTABLISH PRIOR RECEIPT IN THE P.T.O. OF ITEMS CONSIDERED AS OMITTED BY THE P.T.O. FOR NONPROVISIONAL APPLICATION," filed September 16, 2004.

Application papers in the above-identified application were filed on June 22, 2004. However, on August 18, 2004, the Initial Patent Examination Division mailed applicants a "Notice to File Missing Parts of Application." Applicants were notified *inter alia* that the application papers had been accorded a filing date; however, figures 25A-B and 31 appeared to have been omitted from the application.

In response, applicants timely filed the instant petition. Petitioners assert that the items indicated as omitted were in fact deposited with the P.T.O. with the original application papers. Petitioner contends that the application as filed contained 24 pages of drawings (including figs. 25A-B and 31). In support thereof, petitioners submit a copy of one side of their return postcard receipt.

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. Petitioners have submitted one side of their return postcard itemizing the items filed on June 22, 2004.

However, a review of the application papers already considered received in the Office on June 22, 2004, reveals that on the application transmittal, the Office stamped "The PTO did not receive drawing number 17 and 22." (The omitted figures would have been on those pages). Further, the record suggests that the return postcard received with the application papers had the

contents of the application itemized on both sides. Thus, the Office could have noted omission of any of the items listed on either side of the postcard. In view thereof, it is requested that petitioner supply a true copy of the other side of the return postcard, as received back from the Office.

The petition is **DISMISSED** without prejudice to reconsideration upon the submission of the other side of the postcard.

Petitioner is given TWO (2) MONTHS from the mail date of this decision to request reconsideration. This period is governed by § 1.181(f) and is not extendable under § 1.136(a).

Further correspondence with respect to this decision should be addressed as follows:

By mail:
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX:
(703) 872-9306
ATTN: NANCY JOHNSON
SENIOR PETITIONS ATTORNEY

By hand:
Effective June 5, 2004, patent correspondence delivered by hand or delivery services, **other than the USPS**, to the Customer Window must be addressed as follows:

U.S. Patent and Trademark Office
220 20th Street S.
Customer Window, Mail Stop _____
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Paper No.

Sandra P. Thompson
Bingham McCutchen, LLP
600 Anton Blvd., 18th Floor
Costa Mesa, CA 92626

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JAN 14 2005

OFFICE OF PETITIONS

In re Application of :
Iwamoto et al. :
Application No. 10/875,050 : DECISION ON PETITION
Filed: June 22, 2004 :
Title: LAYERED COMPONENTS, :
MATERIALS, METHODS OF PRODUCTION :
AND USES THEREOF :

This is a decision on the "REQUEST FOR RECONSIDERATION OF PETITION TO ESTABLISH PRIOR RECEIPT IN THE P.T.O. OF ITEMS CONSIDERED AS OMITTED BY THE P.T.O. FOR NONPROVISIONAL APPLICATION," filed October 22, 2004.

Application papers in the above-identified application were filed on June 22, 2004. However, on August 18, 2004, the Initial Patent Examination Division mailed applicants a "Notice to File Missing Parts of Application." Applicants were notified *inter alia* that the application papers had been accorded a filing date; however, figures 25A-B and 31 appeared to have been omitted from the application.

In response, applicants timely filed the initial petition. In support of the petition, petitioners submitted a copy of one side of their return postcard. Under the circumstances[1], the petition was dismissed with a request for a copy of the front and back of petitioners' postcard receipt.

On instant renewed petition, petitioners submitted a copy of both sides of their return postcard itemizing the items filed on June 22, 2004.

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 petitioners' postcard receipt reveals that: 1) it was date

[1] The record suggested that the return postcard received with the application papers had the contents of the application itemized on both sides. Thus, a notation of lacking items could have been entered on either side.

stamped as received in the Office of Initial Patent Examination (OIPE) on June 22, 2004; 2) it specifically identifies the items being filed, including "Drawings (24 pgs)" and 3) it lacks any annotation of non-receipt of any item denoted on the postcard. Thus, petitioners have shown that the items denoted, including the 24 pages of drawings, were filed on June 22, 2004.

The application papers already considered received in the Office on June 22, 2004, were reviewed along with the missing drawing pages 17 and 22 containing figures 25A-B and 31 submitted on petition. These papers together constitute the items described on the postcard receipt as Drawings (24 pgs). Petitioners have shown that figures 25A-B and 31 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 has been refunded to Deposit Account No. 50-2518.

The application is being forwarded to the Office of Initial Patent Examination (OIPE) for:

- further processing with a filing date of June 22, 2004, using the application papers received in the Office on that date and the missing drawing pages 17 and 22 containing figures 25A-B and 31, re-supplied on petition filed September 16, 2004; and
- indication, as appropriate, that the application on filing contained 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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C.
P.O. BOX 398
AUSTIN TX 78767-0398

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MAR 0 2 2009

OFFICE OF PETITIONS

In re Application of :
Ghercioiu et al. :
Application No. 10/875,054 : DECISION ON PETITION
Filed: June 23, 2004 :
Attorney Docket No. 5150-80601 :

This is a decision on the petition, filed February 4, 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 26, 2008, which set a three (3) month shortened statutory period for reply. A Notice of Abandonment was mailed on January 26, 2009.

Petitioner asserts that the Office action dated June 26, 2008 was not received. Petitioner has provided a master docket record where the non-final Office Action would have been entered had it been 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. 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 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 2121 for re-mailing the Office action of June 26, 2008. The period for reply will run from the mailing date of the Office action.

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

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P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

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MAR 2 7 2008

OFFICE OF PETITIONS

In re Application of :
Cornelis P. Janse :
Application No. 10/875,091 : ON PETITION
Filed: June 22, 2004 :
Attorney Docket No. PHN 15,835 (7790/361) :

This is a decision on the petition under 37 CFR 1.137(b), filed on March 27, 2007, to revive the above-identified application.

The application became abandoned for failure to respond to the non-final Office action mailed October 20, 2005.

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. 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. However, in accordance with 37 CFR 1.34(a), the signature of Dicran Halajian appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts. If petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. A courtesy copy of this decision is being mailed to petitioner. Nevertheless, all future correspondence regarding this application file will be directed solely to the address of record until otherwise instructed.

37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Since the statement contained in the instant petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the statement required by 37 CFR 1.137(b)(3) and petitioner must notify the Office if this is **not** a correct interpretation of the statement.

The petition satisfies the requirements of 37 CFR 1.137(b), in that, petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of $1,500; and (3) an adequate statement of unintentional delay. Therefore, the petition is **GRANTED**.

This application file is being referred to Technology Center Art Unit 2614, 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

cc: Dicran Halajian
Thorne & Halajian, LLP
Applied Technology Center
111 West Main Street
Bay Shore, NY 11706

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.
10/875,096	06/22/2004	Gregory B. Hale	058085.010205	1038

46560 7590 06/21/2010

THE WALT DISNEY COMPANY
C/O GREENBERG TRAURIG LLP
The Tabor Center, 1200 17th Street
Suite 2400
Denver, CO 80202

EXAMINER	
HARTMAN JR, RONALD D	

ART UNIT	PAPER NUMBER
2121	

NOTIFICATION DATE	DELIVERY MODE
06/21/2010	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):

santosv@gtlaw.com
DENIPMail@gtlaw.com
clairt@gtlaw.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

THE WALT DISNEY COMPANY
C/O GREENBERG TRAURIG LLP
The Tabor Center, 1200 17th Street
Suite 2400
Denver CO 80202

In re Application of:
Gregory B. Hale et al.
Appl. No.: 10/875,096
Filed: June 22, 2004
Attorney Docket: 58085-010205
For: MANAGEMENT OF THE FLOW OF PERSONS IN ENTERTAINMENT ENVIRONMENTS

DECISION ON PETITION
UNDER 37 CFR § 1.59

This is a decision on the petition under 37 CFR § 1.59(b), filed on April 9, 2007 to expunge the Information Disclosure Statement (IDS) submitted on April 9, 2007.

The petition is **GRANTED**.

Petitioner requests that the IDS submitted on April 9, 2007 listing two letters identified in the petition be expunged from the record. Petitioner states that the letters listed on the IDS submitted on April 9, 2007 are proprietary to Applicant and the information has not been otherwise made public once received. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

Applicant is required to retain the expunged material(s) for the life of any patent, which issues on the above-identified application.

The expunged materials have been scanned into image; thus, cannot be returned. However, the expunged materials have been closed from public view.

It is noted that the instant application has been published on March 17, 2005. Thus, the IDS submitted on April 9, 2007 may have already been made available to the public and subject to copying by the public. Accordingly, the Office cannot guarantee that the information being closed as a result of this decision was not previously accessed by the public.

Any inquiry concerning this decision should be directed to the undersigned whose telephone number is (571) 272-3719.

/Kakali Chaki/

Kakali Chaki
Quality Assurance Specialist
Technology Center 2100

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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ALEXANDRIA, VA 22313-1450
www.uspto.gov

Henricks Salvin and Holmes LLP
Suite 200
840 Apollo Street
El Segundo, CA 90245

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JAN 27 2005

OFFICE OF PETITIONS

In re Application of :
Sidney D. Fleischman, et al. :
Application No. 10/875,097 : ON PETITION
Filed: June 22, 2004 :
Attorney Docket No. 015916-252x3 :

This is in response to the petition under 37 CFR 1.47(a), filed November 1, 2004.

The petition is granted.

Petitioner has shown that the non-signing inventor has refused to join in the filing of the above-identified application.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(a), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The application file is being referred to the Office of Initial Patent Examination for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3223.

Marianne E. Jenkins
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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
MAY 03 2007
TECHNOLOGY CENTER 3600

MICHAEL L. DIAZ, P.C.
555 REPUBLIC DRIVE, SUITE 200
PIANO, TX 75074

In re Application of
Edward Horne

ON PETITION TO ACCEPT COLOR DRAWINGS UNDER 37 C.F.R. 1.84(a)(2)

Appl. No. 10/875,099
Filed: 06/24/2004
For: VARIABLE PITCH CONNECTOR BRACKETS FOR USE IN ATTACHING SUPPORTING MEMBERS TO BEARING MEMBERS IN ROOFS

This is a decision on Applicant's Petition under 37 C.F.R. 1.84(a)(2) filed on 09/18/06 to enter/accept color drawings.

The Petition is **DENIED.**

The criteria for accepting color drawings in a patent application is set forth in MPEP 608.02 and 37 CFR 1.84(a)(2). Color drawings and photographs are not ordinarily permitted in utility patent applications. On rare occasions color drawings or photographs may be necessary as the only practical medium by which to disclose the subject matter sought to be patented. The color drawings or photographs must be of sufficient quality such that all details in the drawings are reproducible in black and white in the printed patent.

The invention is directed to a roof framing system including brackets for attaching rafters and beams. Petitioner requests the acceptance of the color drawings because the color drawings are necessary to clearly show components of the present invention. Petitioner fails to provide any specific reasons why the color drawings are necessary to clearly show the components of the present invention.

The figures Petitioner references as color drawings actually appear to be photographs. No specific reasoning has been provided as to why color drawings or photographs are necessary to clearly show the components of the invention. Specific colors do not make up any part of the invention. The subject matter of the application admits of illustration by black and white drawings as evidenced by the originally filed drawings

that are not in color or photographs. Furthermore, the color drawings/photographs are not of sufficient quality so that all details in the color drawings/photographs are reproducible in the printed patent. The petition is **DENIED** and black and white drawings are required in place of the color drawings/photographs.

Any questions regarding this decision should be directed to Carl Friedman at 571-272-6842.

Carl Friedman
SPE Art Unit 3635
571-272-6842

R.C. 04/19/07

UNITED STATES PATENT AND TRADEMARK OFFICE

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Mail Date: 04/26/2010

Applicant	: Pu Zhou	: DECISION ON REQUEST FOR
Patent Number	: 7615043	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 10/875,108	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/23/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1540** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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Mail Date: 04/20/2010

Applicant	: Lorenz J. Bauer	: DECISION ON REQUEST FOR
Patent Number	: 7629289	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/875,117	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/23/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1502** 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.

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Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.