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DIRECTOR OFFICE
TECHNOLOGY CENTER 2100

REED SMITH LLP
3110 FAIRVIEW PARK DRIVE
SUITE 1400
FALLS CHURCH, VA 22042

In re Application of: MORI, et al.
Application No. 10/921,170
Filed: August 19, 2004
For: INFORMATION PROCESSING SYSTEM AND CONTROL METHOD THEREOF

DECISION ON PETITION
TO MAKE SPECIAL
(ACCELERATED EXAMINATION)
UNDER M.P.E.P. §708.02 (VIII)

This is a response to the petition filed 10 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 10 August 2005 fails to adequately meet requirement (e) of the criteria set forth above. The discussion of the references does not point out with the particularity required by 37 CFR 1.111(b) and (c) how the claimed subject matter is patentable over the references.

The statement purporting to distinguish independent claims 1 and 11 from each reference in effect recites essentially all of the limitations of each of claims 1 and 11. I.e., the statement purports that essentially the entirety of each of claims 1 and 11 is not taught by any of the references deemed most closely related. Such a statement is not a sufficient detailed description.

Additionally, it is suggested that if the identical statement is being made to distinguish each reference from an independent claim, as in the instant petition, then the statement should simply be made once in the petition. (E.g., "Regarding independent claim 1, none of the references disclose . . . .")

Petition to Make Special **DISMISSED**.

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

Until the renewed petition is submitted, the application will be returned to the examiner's docket to await treatment on the merits in the normal order of examination.

Pinchus M. Laufer

Pinchus M. Laufer
Special Program Examiner
Technology Center 2100
Computer Architecture, Software and Information Security
571-272-3599

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JAN 27 2006

TECHNOLOGY CENTER 2100

In re Application of: MORI, et al.
Application No. 10/921,170
Filed: August 19, 2004
For: INFORMATION PROCESSING SYSTEM AND CONTROL METHOD THEREOF

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 31 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 10 August 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:

. . .

(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 requirement (e).

The renewed petition filed 31 October 2005 also fails to adequately meet requirement (e) of the criteria set forth above. The discussion of the references still does not point out with the particularity required by 37 CFR 1.111(b) and (c) how the claimed subject matter is patentable over the references. The statement purporting to distinguish independent claims 1 and 11 from each reference in effect recites essentially all of the limitations of each of claims 1 and 11 (with the exception of the limitation discussed in the paragraph below). I.e., the statement purports that essentially the entirety of each of claims 1 and 11 is not taught by any of the references deemed most closely related. Such a statement is simply a general allegation that does not comply with the requirements of 37 CFR 1.111(b) and (c).

At least one of the limitations purporting to distinguish independent claims 1 and 11 from each reference does not appear to be in this claim. Claims 1 and 11 do not require resident management means "instructing the dataset on the logical volume *so distributed* to be resident in the cache memory" (emphasis added). Rather, claims 1 and 11 require resident management means "instructing the dataset on the logical volume *having the corresponding logical volume name* to be resident in the cache memory" (emphasis added).

Also, on page 4 of the petition, it is stated that "[t]o the extent applicable to the present Petition, Applicants submit that although the distinguishing feature(s) may represent a substantial portion of the claimed invention, the claimed invention including said feature(s) and their inter-operation provides a novel disk array device." It is not clear if the statement is applicable to the present petition or not. The language "to the extent applicable to the present Petition" gives no indication as to whether the statement actually applies in the instant application or not. Rather, this language is generic to practically any petition of this type and is not specific to the instant application. If the combination of elements referred to do in fact constitute a substantial portion of the claim, then this should be stated. Also, if the combination of elements is necessary because, e.g., there is a necessary interoperability among these elements, then this too should be stated and the reasons for the, e.g., necessary interoperability, discussed.

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.

Pinchus M. Laufer
Special Program Examiner
Technology Center 2100
Computer Architecture, Software and Information Security
571-272-3599

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BIRCH STEWART KOLASCH & BIRCH
P.O. BOX 747
FALLS CHURCH, VA 22040-0747

In re Application of	:	
Takuya Henmi	:	
Application No. 10/921,172	:	ON PETITION
Filed: August 19, 2004	:	
Attorney Docket No. 4850-0103PUS1	:	

This is a decision on the petition under 37 CFR 1.181, filed May 12, 2006, to withdraw the holding of abandonment.

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 "Request For Reconsideration of Petition under 37 CFR 1.181."

This application became abandoned for failure to timely file corrected drawings on or before March 16, 2006 as required by the Notice of Allowability mailed December 16, 2005. Accordingly, this application became abandoned on March 17, 2006. A Notice of Abandonment was mailed on May 1, 2006.

Petitioner states, in pertinent part:

> "Upon receipt of the Notice of Allowance and Fees Due, dated December 16, 2006 by the offices of the undersigned, a telephone call was made to Examiner Clark concerning the request for corrected drawings. Examiner Clark stated that the drawings were acceptable and that a PTO-948 was not needed. Examiner Clark expressed that a PTO-948 was not actually attached to the Notice of Allowability. Subsequently, Examiner Clark stated that she would be mailing a supplemental form (Notice of Allowability).
>
> EVDENCE
> The fact that a telephonic interview was conducted on December 27, 2006 with Karen Mason of Birch, Stewart, Kolasch & Birch, LLP is evidenced by Exhibits I and 11.
>
> Exhibit I is a copy of the Statement of Substance of Interview filed May 12, 2006.

Exhibit II is a copy of the Memo to file documenting the telephonic interview with Examiner Clark."

Petitioner has submitted a "Statement of Substance of Interview" however an Interview Summary form PTO-413 is not found in the application file. Additionally, the Examiner has not placed any indication as to whether applicant's record is complete and accurate. *See* MPEP 713.04. Furthermore, there is nothing in the official record or application file that indicates the drawings are acceptable and that the Notice of Allowability is in error.

Accordingly, the petition is **dismissed**.

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

By mail: Mail Stop Petition
Commissioner for Patents
Box 1450
Alexandria, VA 22313

By FAX: (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 may be directed to the undersigned at (571) 272-3228.

Edward J. Tannouse
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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OFFICE OF PETITIONS

In re Application of	:	
TAKUYA HENMI	:	
Application No. 10/921,172	:	DECISION ON PETITION
Filed: August 19, 2004	:	
Attorney Docket No. 4850-0103PUS1	:	

This is a decision on the RENEWED petition, filed September 1, 2006, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be filed within two (2) months from the mail date of this decision. *Note* 37 CFR 1.181(f). The request for reconsideration should include a cover letter and be entitled as a "Renewed Petition under 37 CFR 1.181 to Withdraw the Holding of Abandonment."

This application was held abandoned for failure to timely file corrected drawings on or before March 16, 2006, as required by the Notice of Allowance and Fee(s) Due (Notice), mailed December 16, 2005. Accordingly, this application became abandoned on March 17, 2006. A Notice of Abandonment was mailed on May 1, 2006.

In the renewed petition, petitioner notes that an Examiner's Interview Summary PTO-413 dated August 16, 2006 has now been made of record in the application file by the examiner. The Interview Summary states that the examiner Sheila Clark held a telephone interview with the petitioner on August 2, 2006 and stated she previously told applicant that no corrected drawings were needed and she was supposed to send out a supplemental Notice of Allowance but never did.

The new evidence, the Examiner's Interview Summary, is not sufficient to support petitioner's request to withdraw the holding of abandonment. While petitioner has explained the reason for the abandonment of the application, it does not overcome the fact that applicant failed to file a response to the drawing requirement set forth on the Notice of Allowability.

The Notice of Allowability dated December 16, 2005 clearly stated that applicant had three (3) months from the date of the Notice of Allowability to file a timely reply complying with the corrected drawings requirement or the application will become abandoned. While applicant promptly contacted the examiner on December 27, 2005 with regard to the corrected drawings requirement, applicant took no further action on this issue and failed to file the required reply or any response traversing the requirement; thereby allowing the application to become abandoned on March 17, 2006. A "reasonably prudent person" would have follow-up with the examiner or file papers to avoid abandonment of the application.

Furthermore, all business with the USPTO should be transacted in writing. If applicant disagrees with a requirement, applicant should timely reply in writing to traverse any objectionable requirement(s). The action of the USPTO 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. See 37 CFR 1.2

While the record shows that the examiner intended to mail out a supplemental Notice of Allowability but never did does not negate the fact that the application became abandoned by operation of law on March 17, 2006 for failure to respond to a requirement. Notwithstanding petitioner's reliance on the examiner, an examiner has no procedural authority with respect to an abandoned application. Lorenz v. Finkl, 333 F.2d 885, 891 142 USPQ 26, 30 (CCPA 1964)

Since the applicant failed to file *any* reply within the required time period set forth in the Notice of Allowability mailed on December 16, 2005 and the examiner failed to mail out a supplemental Notice of Allowability prior to the abandonment of the application, the application automatically became abandoned by operation of law on March 17, 2006. See 35 USC 133. Accordingly, any petition to withdraw the holding of abandonment under 37 CFR 1.181 cannot be granted.

If petitioner cannot supply the evidence necessary to withdraw the holding of abandonment, or simply does not wish to, petitioner should consider filing a petition under 37 CFR 1.137 to revive an abandoned application.

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 Amelia Au at (571) 272-7414.

Brian Hearn
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

In re Application of	:	
Takuya Henmi	:	
Application No.10/921,172	:	DECISION ON PETITION
Filed: August 19, 2004	:	
Attorney Docket No. 4850-0103PUS1	:	

This is a decision on the Renewed Petition Under 37 CFR 1.181, To Withdraw The Holding Of Abandonment, filed June 1, 2007.

The Petition is **DENIED**[1].

BACKGROUND

The instant application was filed on August 19, 2004.

On December 16, 2005 two notices were sent to applicant. The first was a Notice of Allowability and the second was a Notice of Allowance and Issue Fee Due. The Notice of Allowability indicates the examiner's final disposition of the application and the Notice of Allowance and Issue Fee Due sets the Issue Fee and a period for reply. The Notice of Allowability indicated that formal drawings must be filed and set a three-month period for reply.

The issue fee was timely filed on March 8, 2006; however, corrected drawings were not filed. On May 1, 2006 a Notice of Abandonment was mailed noting applicant's failure to provide the corrected drawings. On May 12, 2006, a petition under 37 CFR 1.181 to withdraw the holding of abandonment was filed. On July 27, 2006 a petition decision dismissing the May 12, 2006 petition was mailed. On September 1, 2006 a renewed petition was filed. On April 18, 2007 a petition decision dismissing the September 1, 2006 petition was mailed. On June 1, 2007 the instant petition was filed.

STATUTE, REGULATION, AND EXAMINING PROCEDURE

[1] This decision may be viewed as a final agency action within the meaning of 5 U.S.C. 704 for purposes of seeking judicial review, See MPEP 1002.02.

STATUTE, REGULATION, AND EXAMINING PROCEDURE

37 CFR 1.2 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.

37 CFR 1.135(b) states:

> 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.

OPINION

Petitioner requests that the holding of abandonment indicated in the Notice of Abandonment mailed May 1, 2006 be withdrawn.

Petitioner was notified in the Notice of Allowability mailed December 16, 2005 that corrected drawings were required (section 5 of the Notice of Allowability). Petitioner responded to the Notice of Allowance by timely submitting the issue fee but did not respond to the Notice of Allowability. The response was considered incomplete due to the lack of corrected drawings and the application went abandoned.

Petitioner argues that there were, in fact, no drawing corrections needed, there was no Notice of Draftperson's Patent Drawing Review (PTO-948) attached to the Notice of Allowability. Petitioner further states that upon receipt of the Notice of Allowability they contacted the examiner of record concerning the drawing requirements. Petitioner states that the examiner indicated the drawings were acceptable and that the examiner would be mailing a supplemental Notice of Allowability indicating no drawing corrections were needed. Petitioner indicates that the only properly required response to both Notice of Allowability and the Notice of Allowance was the issue fee.

The Notice of Allowability and the Notice of Allowance clearly indicated that the issue fee and corrected drawings were required within the statutory period for reply of three (3) months. While applicant did contact the examiner by phone concerning the drawing requirement and was told a supplemental Notice of Allowability would be forthcoming from the examiner this was not the proper procedure to be followed on applicant's part. All business with the Patent and Trademark Office should be transacted in writing (37 CFR 1.2). Upon receipt of the Notice of

Allowability applicant should have filed a written traversal to the drawing requirement. Instead, applicant called the examiner and was given a verbal indication that the examiner would correct the drawing correction issue. No supplemental action was counted or mailed by the examiner. Therefore, the written record is clear that a complete response to the December 16, 2005 was not provided by applicant and the application was properly abandoned (see 37 CFR 1.135).

DECISION

A review of the record indicates that the Notice of Abandonment mailed May 1, 2006 was proper due to applicant's failure to timely and completely respond to the Notice of Allowability mailed December 16, 2005. As such, the petition is **DENIED**.

Telephone inquires concerning this decision should be directed to Carl Friedman at 571-272-6842.

Charles Pearson
Director, Office of Petitions

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AUG 0 4 2008

OFFICE OF PETITIONS

In re Application of :
Takuya Henmi :
Application No. 10/921,172 :
Filed: August 19, 2004 :
Attorney Docket No. 4850-0103PUS1 :

ON PETITION

This is a decision on the petition filed April 28, 2008 under 37 CFR 1.183 to waive rules and withdraw holding of abandonment and alternatively the petition under 37 CFR 1.137(a) to revive the above-identified application as abandoned unavoidably and alternatively the petition under 37 CFR 1.137(b), to revive the above-identified application as abandoned unintentionally.

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

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

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

<u>In regard to the petition under 37 CFR 1.183:</u>

Petitioner requests waiver of 37 CFR 1.2 and 1.135(b). A review of the record shows that a Notice of Allowability/Allowance was mailed December 16, 2005. The Notice of Allowability (Notice) indicated that corrected drawings were required based on an attached PTO-948, Notice of Draftsperson's Patent Drawing review. No PTO-948 was attached to the Notice of Allowability. Upon receipt of this Notice petitioner contacted the examiner who indicated that the form was improperly filled out and that she would issue a new supplemental Notice. A supplemental Notice was never mailed and the application went abandoned for failure to fully respond to the Notice of Allowance/Allowability.

Petitioner argues waiver of the rules based on the fact that the Notice referenced an attached PTO-948 which was not attached and no such form has ever been forwarded to petitioner. Further, petitioner argues that he diligently contacted the examiner who indicated in a telephone interview that the Notice was improperly filled out, there was no PTO-948 and the drawings were acceptable as filed.

Reference is made to the Petition Decision mailed March 10, 2008 which denied the petition for withdrawal of holding of abandonment based on the fact that petitioner did not follow Office policy by responding in writing to the Notice as required under 37 CFR 1.2 and thus did not make a complete reply to the Notice as required under 37 CFR 1.135(b).

The two rules make it clear that petitioner is responsible for responding to any issues or requirements in writing. It was petitioner's responsibility to respond, in writing, to the Notice requesting a copy of the missing PTO-948 and/or for clarification on the drawing correction issue. By not doing this, the response to the Notice was incomplete and resulted in abandonment. It is acknowledged that petitioner did contact the examiner upon receipt of the Notice and was informed orally by the examiner that the Notice was in error and a new Notice would be forthcoming. Unfortunately, petitioner was now dependent on the examiner following through with her promise to send a new Notice and suffered the consequences of her failure to do so. Had petitioner filed a written query regarding the Notice the application would not have gone abandoned.

37 CFR 1.183 is proper to invoke "in extraordinary situations, when justice requires..." There is no extraordinary situation here. There were rules in place which defined the proper procedures to follow. Petitioner elected to follow his own course of action relying on verbal communication rather than the mandated written communication.

For this reason the petition under 37 CFR 1.183 is **Dismissed**.

In regard to the petition under 37 CFR 1.137(a):

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 argues that the Notice indicated required drawing corrections to comply with the Notice but since there were no corrections to be made that they could not respond to the requirement and thereby avoid abandonment. However, there was a proper response to be made to a drawing requirement that was confusing or contradictory and that was to file, in writing, a request for clarification on that matter. Petitioner has, in fact, done so as the required reply to meet the requirements of item (2) of this petition.

Thus the abandonment was not unavoidable for the reasons given.

For this reason, the petition under 37 CFR 1.137(a) is **Dismissed**

In regard to the petitioner filed under 37 CFR 1.137(b):

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of a reply to the request for corrected drawings; (2) the petition fee of $1,540; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the request for corrected drawings is accepted as having been unintentionally delayed.

The fee for consideration of a petition under 37 CFR 1.137(a) of $510 and for consideration of a petition under 37 CFR 1.137(b) of $1,540 have been charged to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to Carl Friedman at (571) 272-6842.

The application file is being referred to Technology Center Art Unit 2823 for consideration of the request filed April 28, 2008.

Carl Friedman
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
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FALLS CHURCH VA 22040-07472

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SEP 15 2008

OFFICE OF PETITIONS

In re Application of	:	
Takuya Henmi	:	
Application No. 10/921,172	:	DECISION GRANTING PETITION
Filed: August 19, 2004	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 4850-0103PUS1	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed September 12, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on March 8, 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 undersigned 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.

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.*

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M. CLARK DALE
BIO-PROCESS INNNOVATION, INC.
226 N 550 W
WEST LAFAYETTE IN 47906-8505

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JAN 11 2006

OFFICE OF PETITIONS

In re Application of	:	
Dale et al.	:	LETTER DISMISSING PETITION
Application No. 10/921,182	:	
Filed: 19 August, 2004	:	
For: HIGH SPEED, CONSECUTIVE	:	
BATCH OR CONTINUOUS, LOW	:	
EFFLUENT PROCESS FOR THE	:	
PRODUCTION OF ETHANOL FROM	:	
MOLASSES, STARCH, OR SUGARS	:	

This is a communication in response to the paper styled as a petition, filed on 6 October, 2005, under 37 CFR 1.137(b)[1] to revive the above-identified application.

The petition is dismissed for the reasons stated below.

---

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

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

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

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

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

This application became abandoned on 1 July, 2005, for failure to file a timely submit the issue and publication fees in response to the Notice of Allowance and Fee(s) Due Mailed on 30 March, 2005, which set a three (3) month statutory period for reply. Notice of Abandonment was mailed on 8 September, 2005.

The petition, which is signed by inventor M. Clark Dale, cannot be considered on the merits because it is not properly signed. Specifically, 37 CFR 1.4 requires that all papers filed in the USPTO must be signed by either a registered patent attorney or all of the inventors in an application. As this application contains an executed declaration listing M. Clark Dale and Mark Moelhman as joint inventors, the petition must be signed by both inventors or by their representative.

Applicants should file a new petition signed by both joint inventors or their representative. No additional petition fee is due.

You have appointed a representative to conduct all business before the Patent and Trademark Office (Office). The Office will not engage in dual correspondence with you and your representative. Accordingly, you must conduct all future correspondence with this Office through the representative of record. If you no longer wish to represented by the representative of record, then a revocation of the power of attorney or authorization of agent must be submitted. A courtesy copy has been mailed to you for your convenience. A correspondence address must be included on the correspondence instructing the Office where all future communications should be mailed. A blank copy of PTO/SB/82, Revocation Of Power Of Attorney Or Authorization Of Agent, is included for your convenience.

A reply to this communication should be submitted within two (2) weeks of receipt of this communication.

Receipt of the Change of Correspondence Address is acknowledged.

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

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

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

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

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

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

cf: PTO/SB/82

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DIW Feb-06

M. CLARK DALE
BIO-PROCESS INNNOVATION, INC.
226 N 550 W
WEST LAFAYETTE IN 47906-8505

COPY MAILED

FEB 21 2006

OFFICE OF PETITIONS

In re Application of	:	
Dale et al.	:	ON PETITION
Application No. 10/921,182	:	
Filed: 19 August, 2004	:	
For: HIGH SPEED, CONSECUTIVE	:	
BATCH OR CONTINUOUS, LOW	:	
EFFLUENT PROCESS FOR THE	:	
PRODUCTION OF ETHANOL FROM	:	
MOLASSES, STARCH, OR SUGARS	:	

This is a decision on the petition filed on 30 January, 2006, under 37 CFR 1.137(b)[1] to revive the above-identified application.

The petition is granted.

---

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

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional 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)).

This application became abandoned on 1 July, 2005, for failure to file a timely submit the issue and publication fees in response to the Notice of Allowance and Fee(s) Due Mailed on 30 March, 2005, which set a three (3) month statutory period for reply. Notice of Abandonment was mailed on 8 September, 2005.

The issue and publication fees, and the petition fee, were submitted on 6 October, 2005.

The application is being forwarded to the Publishing Division for processing into a patent.

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

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JJGJr: 03-05

Paper No: __

BINGHAM, MCCUTCHEN LLP
THREE EMBARCADERO CENTER
18 FLOOR
SAN FRANCISCO CA 94111-4067

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APR 0 1 2005

OFFICE OF PETITIONS

In re Application of	:	
Williams	:	
Application No. 10/921,199	:	DECISION ON PETITION
Filed: 17 August, 2004	:	
Attorney Docket No. 7035802001-3224312	:	

This is a decision on the petition filed 22 November, 2004, seeking suspension of the rules under 37 C.F.R. §1.183.

The Office regrets the delay in addressing this matter

The petition is **DISMISSED**.

NOTES:

(1) Any petition (and fee) for reconsideration of this decision under 37 C.F.R. §1.183 must be submitted within two (2) months from the mail date of this decision. No extensions of time under 37 C.F.R. §1.136 will be available. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 C.F.R. §1.183";

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

A review of the application file reveals that:

- the instant application was filed on 18 August, 2004;
- on 22 September, 2004, the Office mailed a Notice to File Missing Parts, and indicated

therein that the compact discs (CDS) filed with the application did not comply with, *inter alia*, the provisions of 37 C.F.R. §1.52(e), in that the CDS contained non-ASCII files;

- Petitioner's response in the instant petition, in pertinent part, is as follows:

* * *

3. The CD Rom entitled "Electronic Multimedia Library Patent" is compatible with IBM-type hardware and Microsoft Windows Applications, A catalog of the files contained on the CD Rom, along with the size of each file and the date created on the "Electronic Multimedia Library Patent" CD Rom is found in Table 1 of the Utility Patent Application referenced above.

4. The files contained on the CD Rom are fully described in the Examples Section of the Utility Patent Application referenced above.

* * *

6. I respectfully request that the Office suspend, under its powers given by 37C.F.R. [§]1.183, only that part of the requirements for submission of a CD Rom that require that the entire CD Rom be in ASCII format.

***

Petitioner provides no reason for requesting a waiver of the regulations at 37 C.F.R. §1.52–save, that Petitioner wants one.

Further, unspoken but inherent is Petitioner's request for a waiver as to the provisions of 37 C.F.R. §1.96.[1]

---

[1] The regulations at 37 C.F.R. §1.96 provide:
§ 1.96 Submission of computer program listings.

1. <>

(a) General. Descriptions of the operation and general content of computer program listings should appear in the description portion of the specification. A computer program listing for the purpose of this section is defined as a printout that lists in appropriate sequence the instructions, routines, and other contents of a program for a computer. The program listing may be either in machine or machine-independent (object or source) language which will cause a computer to perform a desired procedure or task such as solve a problem, regulate the flow of work in a computer, or control or monitor events. Computer program listings may be submitted in patent applications as set forth in paragraphs (b) and (c) of this section.

(b) Material which will be printed in the patent If the computer program listing is contained in 300 lines or fewer, with each line of 72 characters or fewer, it may be submitted either as drawings or as part of the specification.

(1) Drawings. If the listing is submitted as drawings, it must be submitted in the manner and complying with the requirements for drawings as

Again, there is no explanation of, or statement of the basis for, this request.

As with any matter on petition before the Office, Petitioner must carry his/her/their burden of proof.

Petitioner has failed to do so.

Accordingly, the instant petition is **dismissed**, and the petition fee will not be refunded because the petition was not occasioned by an error of the Office.

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

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

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

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provided in § 1.84. At least one figure numeral is required on each sheet of drawing.

(2) Specification.

(i) If the listing is submitted as part of the specification, it must be submitted in accordance with the provisions of § 1.52.

(ii) Any listing having more than 60 lines of code that is submitted as part of the specification must be positioned at the end of the description but before the claims. Any amendment must be made by way of submission of a substitute sheet.

(c) As an appendix which will not be printed: Any computer program listing may, and any computer program listing having over 300 lines (up to 72 characters per line) must, be submitted on a compact disc in compliance with § 1.52(e). A compact disc containing such a computer program listing is to be referred to as a "computer program listing appendix." The "computer program listing appendix" will not be part of the printed patent. The specification must include a reference to the "computer program listing appendix" at the location indicated in § 1.77(b)(4).

(1) Multiple computer program listings for a single application may be placed on a single compact disc. Multiple compact discs may be submitted for a single application if necessary. A separate compact disc is required for each application containing a computer program listing that must be submitted on a "computer program listing appendix."

(2) The "computer program listing appendix" must be submitted on a compact disc that complies with § 1.52(e) and the following specifications (no other format shall be allowed):

(i) Computer Compatibility: IBM PC/XT/AT, or compatibles, or Apple Macintosh;

(ii) Operating System Compatibility: MS-DOS, MS-Windows, Unix, or Macintosh;

(iii) Line Terminator: ASCII Carriage Return plus ASCII Line Feed;

(iv) Control Codes: the data must not be dependent on control characters or codes which are not defined in the ASCII character set; and

(v) Compression: uncompressed data.

[46 FR 2612, Jan. 12, 1981; para. (b)(1), 54 FR 47519, Nov. 15, 1989, effective Jan. 16, 1990; revised, 61 FR 42790, Aug. 19, 1996, effective Sept. 23, 1996; paras. (b) and (c) revised, 65 FR 54604, Sept. 8, 2000, effective Sept. 8, 2000 (effective date corrected, 65 FR 78958, Dec. 18, 2000]

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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JJGJr: 01-06

Paper No: __

SANDRA POTEAT THOMPSON
BUCHALTER NEMER PLC
18400 VON KARMAN/SUITE 800
IRVINE CA 92612

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JAN 27 2006

OFFICE OF PETITIONS

In re Application of :
Williams :
Application No. 10/921,199 : DECISION ON PETITION
Filed: 17 August, 2004 :
Attorney Docket No. 7035802001-3224312 :

This is a decision on the petition filed on 22 September, 2005, as a request to withdraw the holding of abandonment, and so considered under 37 C.F.R. §1.181, and alternatively to revive under 37 C.F.R. §1.137(b) to revive the application as abandoned due to unintentional delay.

For the reasons set forth below the petition under 37 C.F.R.:

- §1.181 is **GRANTED**; and
- §1.137(b) is **DISMISSED as moot**.

BACKGROUND

The record reflects that:

- the instant application was filed on 18 August, 2004;
- on 22 September, 2004, the Office mailed a Notice to File Missing Parts (oath/declaration, surcharge), and indicated therein that the compact discs (CDS) filed with the application did not comply with, *inter alia*, the provisions of 37 C.F.R. §1.52(e), in that the CDS contained non-ASCII files;

- Petitioner responded as to the oath/declaration and surcharge and also petitioned seeking suspension of the rules as to the submission of a CD ROM in ASCII format, which petition was dismissed on 1 April, 2005, and further Petitioner was given two (2) months to respond and was informed extensions of time were available pursuant to 37 C.F.R. §1.136;

- the Office mailed a Notice of Abandonment on 8 September, 2005;

- Petitioner responded with, *inter alia*, (a) the instant petition, (b) reassertion of a previously submitted authorization for charging extensions of time, and (c) an amendment to comply with the decision of 1 April, 2005, and also therein made a statement of unintentional delay.

As of this writing, Office records have been updated to reflect Petitioner's new correspondence address.

STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).[1]

The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority. The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition.[2]

Delays in responding properly raise the question whether delays are unavoidable.[3] Where there is

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[1] 35 U.S.C. §133 provides:
35 U.S.C. §133 Time for prosecuting application.
Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Commissioner in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable.

[2] Therefore, by example, an unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal Service, but due to catastrophic accident, the delivery is not made.

[3] See: *Changes to Patent Practice and Procedure; Final Rule Notice*, 62 *Fed. Reg.* at 53158-59 (October 10, 1997), 1203 *Off. Gaz. Pat. Office* at 86-87 (October 21, 1997).

a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a).[4] And the Petitioner must be diligent in attending to the matter.[5] Failure to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care.

(By contrast, unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.[6]))

As to a Request to Withdraw
the Holding of Abandonment

The courts have determined the construct for properly supporting a petition seeking withdrawal of a holding of abandonment.[7] (See: the commentary set forth at MPEP §711.03(c).)

The decision of 1 April, 2005, allowed Petitioner two (2) months to respond and indicated that Petitioner might request extensions of time pursuant to the rules.

Petitioner has replied with an amendment to the instruction of the Notice of Missing Parts and the decision of 1 April, 2005, and has reasserted authorization to the Office to charge as necessary and allowable for extension(s) of time.

As of the filing of the instant petition and reply, Petitioner's response could be made timely with a four- (4-) month extension of time.

Thus, Petitioner has satisfied the showing required under Delgar and thus to be considered under the provisions of 37 C.F.R. §1.181.

As to Allegations
of Unintentional Delay

The requirements for a grantable petition under 37 C.F.R. §1.137(b) are the petition and fee, a

---

[4] See: In re Application of G, 11 USPQ2d 1378, 1380 (Comm'r Pats. 1989).

[5] See: Diligence in Filing Petitions to Revive and Petitions to Withdraw the Holding of Abandonment, 1124 Off. Gaz. Pat. Office 33 (March 19, 1991). It was and is Petitioner's burden to exercise diligence in seeking either to have the holding of abandonment withdrawn or the application revived. See 1124 Off. Gaz. Pat. Office supra.

[6] Therefore, by example, an unintentional delay in the reply might occur if the reply and transmittal form are to be prepared for shipment by the US Postal Service, but other pressing matters distract one's attention and the mail is not timely deposited for shipment.

[7] See: Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971).

showing/statement of unintentional delay, a proper reply, and–where appropriate--a terminal disclaimer and fee if the application was filed before 8 June, 1995.

The petition under 37 C.F.R. §1.137(b) is moot.

CONCLUSION

The petition(s) under 37 C.F.R.:

- §1.181 is **granted**, the petition fee ($750.00) is refunded (to Deposit Account 50-0977) and the fee authorized for an extension of time ($795.00) is charged (to Deposit Account 50-2518), respectively, and the 8 September, 2005, Notice of Abandonment is **vacated**; and

- under 37 C.F.R. §1.137(b) is **dismissed as moot**.

The instant file is released to OIPE for further processing in due course.

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

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

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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EDWARD A. PENNINGTON
SWIDLER BERLIN SHEREFF FRIEDMAN LLP
3000 K STREET, NW., SUITE 300
WASHINGTON, DC 20007-5116

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NOV 02 2005

OFFICE OF PETITIONS

In re Application of	:
Toshio Kawasaki	:
Application No. 10/921,201	: DECISION GRANTING PETITION
Filed: August 19, 2004	: UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 19546.0075	:

This is a decision on the petition, filed October 27, 2005, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on August 13, 2005 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3218.

This matter is being referred to Technology Center AU 3662 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the Information Disclosure Statement, both of which were filed on September 15, 2005.

Frances Hicks
Petitions Examiner
Office of Petitions

---

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paul W. Eschenbach
290 South Tyger Lane
Roebuck SC 29376

COPY MAILED

JAN 26 2005

OFFICE OF PETITIONS

In re Application of :
Paul Eschenbach :
Application No. 10/921,244 : ON PETITION
Filed: August 19, 2004 :
Title: Orbital Exercise Machine with :
Arm Exercise

This is a decision on the petition filed December 28, 2004, requesting in effect, the "Notice of Omitted Item(s) in a Nonprovisional Application" ("Notice") be withdrawn, and the above-identified application be accorded a filing date of August 19, 2004 including page 8 of the specification.

Any request for reconsideration should be filed within **TWO MONTHS** of the mailing date of this decision in order to be considered timely. 37 CFR 1.181(f). This time period may not be extended pursuant to 37 CFR 1.136.

The petition is **DISMISSED**.

The application was filed on August 19, 2004. However, on December 28, 2004, the Office of Initial Patent Examination mailed a "Notice" stating that the application had been accorded a filing date of August 19, 2004 but page 8 of the specification appeared to have been omitted.

In response, page 8 of the specification and the present petition were filed on December 28, 2004. Petitioner contends page 8 of the specification was included in the original application papers filed on August 19, 2004.

The argument that page 8 of the specification was filed in the present application on August 19, 2004, is not persuasive. The PTO file is the official record of the papers originally filed in this application. A review of the official file reveals that page 8 of the specification was not filed on August 19, 2004. An applicant alleging that a paper was filed in the PTO and later misplaced has the burden of proving the allegation by a preponderance of evidence. Petitioner relies upon his recall of routine events which occurred more than four months earlier and are not more persuasive than the record of what was filed as shown in the official file.

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

Charlema R. Grant

Charlema R. Grant
Petition Attorney
Office of Petitions

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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BAKER BOTTS L.L.P.
30 ROCKEFELLER PLAZA
44TH FLOOR
NEW YORK NY 10112-4498

MAILED

AUG 26 2009

OFFICE OF PETITIONS

In re Application of
Andrey Rzhetsky et al
Application No. 10/921,286
Filed: August 18, 2004
Attorney Docket No. A31869-A-I
070050.2618

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 26, 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 final rejection mailed November 4, 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 continuing application under 37 CFR 1.53(b); (2) the petition fee of $810.00; 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. 12/492,992.

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

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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APR 16 2005

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

SWIDLER BERLIN LLP
3000 K STREET, NW
BOX IP
WASHINGTON DC 20007

In re Application of :
ZANZUCCHI, PETER JOHN, et al. :
Application No. 10/921,294 :
Filed: August 19, 2004 :
For: **METHOD AND IMAGER FOR DETECTING THE LOCATION OF OBJECTS** :

DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the petition filed March 21, 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 petition does not fulfill the requirement in item (4) in that the search method was not fully discussed. When a database is used in searching, the search term logic employed should be set forth in the petition.

For the above stated reasons, the petition is **DENIED**.

Should applicant desire reconsideration, he/she should supplement this petition giving the information as outlined above. No further petition fee is required.

Any request for reconsideration must be filed within **TWO MONTHS** of the date of this decision.

Kenneth A. Wieder
Special Program Examiner
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JUN 17 2005

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

SWIDLER BERLIN LLP
3000 K STREET, NW
BOX IP
WASHINGTON DC 20007

In re Application of :

ZANZUCCHI, PETER JOHN, et al. :
Application No. 10/921,294 :
Filed: August 19, 2004 :
For: **METHOD AND IMAGER FOR DETECTING THE LOCATION OF OBJECTS** :

DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the supplemental petition filed May 12, 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 petition now meets the requirements set forth above.

Accordingly, the petition is **GRANTED**.

Kenneth A. Wieder
Special Program Examiner
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED
MAR 14 2006
TECHNOLOGY CENTER 2100

In re Application of:
N. IKEGAYA et al
Application No. 10/921,344
Filed: August 19, 2004
For: A COMPUTER SYSTEM

DECISION ON PETITION
TO MAKE SPECIAL

This is a decision on the petitions, filed on September 22, 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 22, 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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : September 19, 2006

TO SPE OF : ART UNIT 2824

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/921,365 Patent No.: 7068538 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**.

Antonio Johnson
Certificates of Correction Branch
703-308-9390 ext. 111

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: N/A

RICHARD T. ELMS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800

12/27/06
SPE

2824
Art Unit

10/921365

C of C

OIPE IAP100
AUG 29 2006
PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of	: Atty. Docket No. 03-RO-192
Jean DEVIN	:
Patent No.: 7,068,538	:
Issue Date: June 27, 2006	:

For: *MEMORY CIRCUIT WITH NON-VOLATILE IDENTIFICATION MEMORY AND ASSOCIATED METHOD*

Approved
Pr
(12/26/06)

TRANSMITTAL LETTER

Certificate
AUG 31 2006
of Correction

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

Dear Sir:

Attached hereto is a Certificate of Correction to correct errors in the above-referenced Letters Patent.

If it should be determined that a fee is required, the Commissioner is authorized to charge the fee to Deposit Account No. 50-1556.

Respectfully submitted,

Date: 8/22/06

By: _____
Jon A. Gibbons
Registration No. 37,333

FLEIT, KAIN, GIBBONS, GUTMAN, BONGINI & BIANCO P.L.
551 NW 77th Street, Suite 111
Boca Raton, Florida 33487
Telephone: (561) 989-9811
Facsimile : (561) 989-9812

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450

MARIAH MOORHEAD	Mariah Moorhead	08-22-2006
Name of Person Mailing Paper	Signature of Person Mailing Paper	Date of Deposit

AUG 31 2006

PTO/SB/ 44 (10-96)
Approved for use through 6/30/99. OMB 0651-0033
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. : 7,068,538
DATED : June 27, 2006
INVENTOR(S) : Jean DEVIN

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

Column 5, line 33: after the word "programmable", add the word – register –
Column 5, line 37, after the word "programmable", add the word – register –
Column 5, line 41, after the word "programmable", add the word – register –

MAILING ADDRESS OF SENDER: USPTO Customer Number: **23334**

PATENT NO. **7,068,538**

Fleit, Kain, Gibbons, Gutman, Bongini & Bianco P.L.
551 NW 77th Street
Suite 111
Boca Raton, Florida 33487

No. of additional copies

⇨ _____

Burden Hour Statement: This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

AUG 31 2006

PTO/SB/ 44 (10-96)
Approved for use through 6/30/99. OMB 0651-0033
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. : 7,068,538
DATED : June 27, 2006
INVENTOR(S) : Jean DEVIN

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

Column 5, line 33: after the word "programmable", add the word – register –
Column 5, line 37, after the word "programmable", add the word – register –
Column 5, line 41, after the word "programmable", add the word – register –

MAILING ADDRESS OF SENDER: USPTO Customer Number: 23334

Fleit, Kain, Gibbons, Gutman, Bongini & Bianco P.L.
551 NW 77th Street
Suite 111
Boca Raton, Florida 33487

PATENT NO. 7,068,538

No. of additional copies

Burden Hour Statement: This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

AUG 31 2006

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

COPY MAILED

MAY 18 2009

OFFICE OF PETITIONS

In re Application of	:	
Lawrence Rogers et al.	:	
Application No. 10/921,391	:	DECISION ON PETITION
Filed: August 19, 2004	:	TO WITHDRAW
Attorney Docket No. 39717.00003.UTL1	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 8, 2005.

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 Amy E. Simpson and all attorneys/agents of record has been revoked by the assignee of the patent application on December 15, 2005. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

Telephone inquires concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Knobbe, Martens, Olson & Bear, LLP
2040 Main Street
Fourteenth Floor
Irvine, CA 92614

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

COPY MAILED

MAY 1 8 2009

OFFICE OF PETITIONS

In re Application of	:	
Daniel Philip Goldman et al.	:	
Application No. 10/921,395	:	DECISION ON PETITION
Filed: August 19, 2004	:	TO WITHDRAW
Attorney Docket No. 39717.00002.UTL1	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 8, 2005.

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 Amy E. Simpson and all attorneys/agents of record has been revoked by the assignee of the patent application on December 15, 2005. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

Telephone inquires concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Knobbe, Martens, Olson & Bear, LLP
2040 Main Street
Fourteenth Floor
Irvine, CA 92614

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : October 11, 2007

TO SPE OF : ART UNIT 2881

SUBJECT : Request for Certificate of Correction for Appl. No./10/921407 patent no.7041993

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: _____

SPE

2881

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

Kimberly T. Nguyen
OSI Pharmaceuticals, Inc.
Suite 110
58 South Service Road
Melville, NY 11747

COPY MAILED

AUG 09 2006

OFFICE OF PETITIONS

In re Application of	:
Bolger et al.	:
Application No. 10/921,414	: DECISION ON PETITION
Filed: August 16, 2004	: UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. OS-10003	:

This is a decision on the petition under 37 CFR 1.78(a)(6), filed May 5, 2006 , to accept an unintentionally delayed claim under 35 U.S.C. § 119 for the benefit of priority to the prior-filed provisional application set forth in the amendment filed with the petition.

The petition is **GRANTED**.

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

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

37 CFR § 1.78(a)(6) requires 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. 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))(6). If this is not a correct reading of the statement appearing in the petition, petitioner should promptly notify the Office.

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

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

The address on the petition is different from the address of record. If Petitioner desires to receive further correspondence with respect to this application, a change of correspondence address must be filed. A courtesy copy of this Decision is being forwarded to Petitioner at the address appearing on the petition; however, all future correspondence will be sent to the address of record until instructions to the contrary are received.

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 Derek Woods at (571) 272-3232. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 1614 for appropriate action on the amendment filed May 5, 2006, including consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 119 to the prior-filed application.

Frances Hicks

Frances Hicks
Lead Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

Cc: OSI Pharmaceuticals, Inc.
41 Pinelawn Road
Melville, NY 11747

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
10/921,414	08/16/2004	1614	1266	OS-10003		26	6

CONFIRMATION NO. 9003

CORRECTED FILING RECEIPT

OC000000019410762

Kimberly T. Nguyen
OSI Pharmaceuticals, Inc.
Suite 110
58 South Service Road
Melville, NY 11747

Date Mailed: 06/26/2006

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)

Joshua Bolger, Farmingdale, NY;
Arlindo L. Castelhano, Farmingdale, NY;
Andrew Phillip Crew, Farmingdale, NY;
Han-Qing Dong, Farmingdale, NY;
Ayako Honda, Farmingdale, NY;
Radoslaw Laufer, Farmingdale, NY;
An-Hu Li, Farmingdale, NY;
Kristen Mulvihill, Farmingdale, NY;
Li Qiu, Farmingdale, NY;
Colin Peter Sambrook Smith, Oxford, UNITED KINGDOM;
Yingchaun Sun, Farmingdale, NY;
Graham Michael Wynne, Oxford, UNITED KINGDOM;
Tao Zhang, Farmingdale, NY;

Power of Attorney:

Shu Lee--41147
Alexander Stewart--47110
Kim Nguyen--47821

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/496,806 08/21/2003

Foreign Applications

If Required, Foreign Filing License Granted: 04/14/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/921,414

Projected Publication Date: 08/24/2006

Non-Publication Request: No

Early Publication Request: No

Title

N-substituted benzimidazolyl c-Kit inhibitors

Preliminary Class

514

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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

GRANTED

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

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

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

NOT GRANTED

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

UNITED STATES PATENT AND TRADEMARK OFFICE

MAY 16 2007

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

SHERIDAN ROSS PC
1560 BROADWAY
SUITE 1200
DENVER CO 80202

In re Application of	:
Xiaojiang Chen et al	:
Serial No.: 10/921,415	: PETITION DECISION
Filed: August 16, 2004	:
Attorney Docket No.: 5375-1-1	:

This is a decision on the PETITION FOR ACCEPTANCE OF COLOR DRAWINGS UNDER 37 CFR 1.84(a)(2). The petition was filed August 16, 2004. Entry of color drawings requires: 1) three sets of the color drawings, 2) a proper amendment to the specification indicating color photographs or drawings are present in the file, and 3) the required fee under 37 CFR 1.17(h).

A review of the application record indicates that the petition meets all of the requirements for acceptance of color drawings. This is not to be construed that all of the drawings are accepted, only that the color drawings are acceptable.

The petition is **GRANTED**.

Should there be any questions with respect to this decision, please contact William R. Dixon, Jr., by mail addressed to: Director, Technology Center 1600, at the address listed above, or by telephone at 571-272-0519 or by facsimile transmission at 571-273-8300.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

SHERIDAN ROSS PC
1560 BROADWAY
SUITE 1200
DENVER, CO 80202

COPY MAILED

MAY 27 2008

In re Application of	:	
CHEN, Xiaojiang et al.	:	
Application No. 10/921,415	:	DECISION ON PETITION
Filed: August 16, 2004	:	TO WITHDRAW
Attorney Docket No. **5375-1-1**	:	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 14, 2008 and resubmitted April 10, 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 there remains less than 30 (thirty days) between the date of this decision and the maximum extendable time period for filing a response to the Office action mailed on August 30, 2007.

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

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

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **MORRISON & FOERSTER LLP**
755 PAGE MILL RD
PALO ALTO, CA 94304-1018

UNITED STATES PATENT AND TRADEMARK OFFICE

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

KIMBERLY T. NGUYEN
OSI PHARMACEUTICALS, INC.
SUITE 110
58 SOUTH SERVICE ROAD
MELVILLE NY 11747

COPY MAILED

SEP 2 0 2005

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Arlindo L. Castelhano et al. :
Application No. 10/921,418 :
Filed: August 16, 2004 :
Attorney Docket No. OS-10004 :

This is a decision on the petition under 37 CFR 1.137(b),[1] filed September 8, 2005, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned December 27, 2004, for failure to timely reply to the Notice to File Missing Parts mailed on October 25, 2004, which set a two (2) month shortened period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. Accordingly, a Notice of Abandonment was mailed July 8, 2005.

The reply, in the form of an acceptable oath or declaration in compliance with 35 U.S.C.

---

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

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

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

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

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

§§ 115 and 116 and all other requirements of 37 CFR 1.137(b) have been properly remitted.

This matter is being forwarded to the Office of Initial Patent Examination for further pre-examination processing.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Kimberly T. Nguyen
OSI Pharmaceuticals, Inc.
Suite 110
58 South Service Road
Melville NY 11747

COPY MAILED
AUG 2 8 2006
OFFICE OF PETITIONS

In re Application of
Catelhano et al
Application No. 10/921,418
Filed: August 16, 2004
Attorney Docket No.: OS-10004

DECISION ON PETITION

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

This above-identified application became abandoned for failure to timely file a reply to an Restriction Requirement mailed December 15, 2005. The Office Action set a one (1) 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 January 16, 2006. A Notice of Abandonment was mailed on July 20, 2006.

This petition is hereby **GRANTED**.

The address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition. However, the Office will mail all future correspondence solely to the address of record.

This application is being forwarded to Technology Center 1600 for further processing.

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

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

cc: Shu M. Lee
OSI Pharmaceuticals, Inc.
41 Pinelawn Road
Melville, NY 11747

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OSI PHARMACEUTICALS, INC.
41 PINELAWN ROAD
MELVILLE NY 11747

COPY MAILED

JUN 03 2008

OFFICE OF PETITIONS

In re Application of	:	
Castelhano et al.	:	
Application No. 10/921418	:	DECISION ON PETITION
Filed: 08/16/2004	:	UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. OS-10004	:	

This is a decision on the "PETITION UNDER 37 CFR § 1.17(t)," filed on March 25, 2008, which is treated as a petition under 37 CFR 1.78(a)(6), to accept an unintentionally delayed claim under 35 U.S.C. §119(e) for the benefit of the prior-filed provisional application set forth in the concurrently filed amendment.

The petition is **GRANTED.**

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

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

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

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

37 CFR § 1.78(a)(6) requires 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. 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)(6). If this is not a correct reading of the statement appearing in the petition, petitioner should promptly notify the Office.

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

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

Any inquiries concerning this decision may be directed to Senior Petitions Attorney Douglas I. Wood at (571) 272-3231. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

The application is being forwarded to Technology Center AU 1626 for consideration by the examiner of the claim under 35 U.S.C. §119(e) for the benefit of priority to the prior-filed provisional application.

Anthony Knight
Supervisor
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

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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
10/921,418	08/16/2004	1626	918	OS-10004	21	1

CONFIRMATION NO. 9006

CORRECTED FILING RECEIPT

38724
OSI PHARMACEUTICALS, INC.
41 PINELAWN ROAD
MELVILLE, NY 11747

OC000000030177537

Date Mailed: 06/02/2008

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)

Arlindo L. Castelhano, Farmingdale, NY;
Andrew Phillip Crew, Farmingdale, NY;
Han-Qing Dong, Farmingdale, NY;
Radoslaw Laufer, Farmingdale, NY;
An-Hu Li, Farmingdale, NY;
Li Qiu, Farmingdale, NY;
Colin Peter Sambrook Smith, Oxford, UNITED KINGDOM;
Tao Zhang, Farmingdale, NY;

Power of Attorney:
Shu Lee--41147
Alexander Stewart--47110
Kim Nguyen--47821

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/496,776 08/21/2003

Foreign Applications

If Required, Foreign Filing License Granted: 10/22/2004
The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 10/921,418**
Projected Publication Date: Not Applicable
Non-Publication Request: No
Early Publication Request: No

Title

N3-substituted imidazopyridine c-Kit inhibitors

Preliminary Class

548

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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In re Patent No. 6909074
Issue Date: June 21,2005
Application No. 10921420
Filed: August 19,2004
Attorney Docket No. BMA2440

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

This is a decision on the electronic petition, filed June 9,2010 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of June 9,2010 .
This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

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

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MYERS BIGEL SIBLEY & SAJOVEC, P.A
PO BOX 37428
RALEIGH NC 27627

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OCT 14 2008

OFFICE OF PETITIONS

In re Application of:
HOMILLER, Daniel P.
Application No.: 10/921,440
Filed: August 19, 2004
Attorney Docket No.: 9314-83

DECISION APPROVING
WITHDRAWAL OF ATTORNEY

This is a decision on the Request to Withdraw as Attorney/Agent of Record under 37 CFR § 1.36, filed October 2, 2008.

The Request is **APPROVED**.

Debra K. Stephens requests that she alone be withdrawn as an attorney under 37 CFR § 1.36, pursuant to the reason set forth under 37 CFR § 10.40(b)(2), because of her current employment by the United States Patent and Trademark Office. Since the Request satisfies all of the requirements for withdrawal, it is appropriate to approve the Request and withdraw only Ms. Stephens as an attorney of record.

All future communications from the Office will continue to be directed to the above-identified correspondence address.

A courtesy copy of this decision is being mailed to Ms. Stephens at the address identified in the Request.

Telephone inquiries relating to this decision should be directed Brian W. Brown at (571) 272-5338.

Brian W. Brown
Petitions Examiner
Office of Petitions

Cc: Debra K. Stephens
301 Edgemore Avenue
Cary, NC 27519

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DOUGLAS R. MONTEZ
9860 HIGHWAY Z
HARTVILLE MO 65667

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OCT 23 2006

OFFICE OF PETITIONS

In re Application of Douglas R. Montez Application No. 10/921,445 Filed: August 19, 2004 Attorney Docket No. 94-3438	DECISION GRANTING PETITION UNDER 37 CFR 1.137(b)

This is a decision on the petition under 37 CFR 1.137(b), filed May 15, 2006, to revive the above-identified application.

The petition is **GRANTED**.

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 August 9, 2005, is accepted as having been unintentionally delayed.

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

This matter is being referred to Technology Center AU 3611

Karen Creasy

Karen Creasy
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

Paper No. None

LEFFERT JAY & POLGLAZE, P.A.
Attn: Thomas W. Leffert
P. O. Box 581009
Minneapolis MN 55402

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APR 20 2005

OFFICE OF PETITIONS

In re Application of :
Giulio Giuseppe Marotta :
Application No. 10/921,463 : DECISION ON PETITION
Filed: August 19, 2004 :
Attorney Docket No. 400.137US03 :
Title: METAL-POLY INTEGRATED :
CAPACITOR STRUCTURE :

This is a decision on the "Petition in Response to Notice of Omitted Items in a Nonprovisional Application," which is properly treated as a petition under 37 C.F.R. §1.182, filed December 17, 2004, requesting that Figure 3A be accorded a filing date of August 19, 2004, as part of the original disclosure.

The petition is GRANTED-IN-PART.

On August 19, 2004, the above-identified application was filed. On October 20, 2004, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Omitted Item(s) in a Nonprovisional Application" (Notice), stating that the application had been accorded a filing date of August 19, 2004, and advising Applicant that Figure 3A appeared to have been omitted.

In response, on December 17, 2004, applicants filed the present petition. The petition is further accompanied by the petition fee[1], one sheet of drawings containing Figures 2, 3, and 3A, and an explanation that Figure 3A was included on filing, but was

1 Petitioner has included $130, when the petition fee is $400. The difference has been charged to Petitioner's Deposit Account.

"positioned too close to Figure 3 and was not separately labeled[2]."

Upon review of the record, Figure 3A has been located among the application papers, and it is obvious that it was included upon filing, and was simply unlabeled as a result of the applicant's filing error. Therefore, the application, including Figure 3A, was complete on filing and entitled to a filing date of August 19, 2004. However, the Notice mailed on October 20, 2004 was correct in stating that Figure 3A appeared to have been omitted. Therefore, the Notice was properly mailed and will not be withdrawn.

The petition fee of $400.00 will not be refunded, as this petition was not necessitated by any error on the part of the Office.

A preliminary amendment adding a label to the unlabeled figure should be filed before first action on the merits. Any such amendment will, of course, be reviewed by the examiner for new matter[3]. The amendment is not new matter if the substance was a part of the disclosure of the prior application.

The application file is being returned to the Office of Initial Patent Examination for further processing with a filing date of August 19, 2004, using the application papers filed on that date. The new sheet of drawings will not be entered.

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 either the Office of Initial Patent Examination or the Technology Center.

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

2 Petition, page 2.
3 See MPEP 608.02(h) and 608.04.

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QUALCOMM, INC
5775 MOREHOUSE DR.
SAN DIEGO, CA 92121

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MAR 10 2006
OFFICE OF PETITIONS

In re Application of

Malladi, et al.

Application No. 10/921,466

Filed: August 18, 2004

Attorney Docket No. 030522

DECISION ON PETITION

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181(a), filed February 8, 2006.

The petition is **granted**.

This application was held abandoned on November 11, 2005, after no reply was received to the non-final Office action mailed June 10, 2005. The notice set forth a shortened statutory period for reply of three months from its mailing date. A Notice of Abandonment was mailed on December 28, 2005. The instant petition was filed on February 8, 2006. Petitioner maintains that the notice of June 10, 2005, 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 2600, GAU 2663 for further processing.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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ORRICK, HERRINGTON & SUTCLIFFE, LLP
IP PROSECUTION DEPARTMENT
4 PARK PLAZA
SUITE 1600
IRVINE, CA 92614-2558

Mail Date: 04/21/2010

Applicant	: Francois-Xavier Nuttall	: DECISION ON REQUEST FOR
Patent Number	: 7581013	: RECALCULATION of PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/921,476	: OF WYETH
Filed	: 08/17/2004	:
		:

The Patentee's Request for Recalculation is **DISMISSED.**

This Request is deemed ineligible for consideration for one or more of the following reasons:

(A). The patent for which PTA recalculation is requested is either a design or reissue application or is a reexamination proceeding;

(B). The patent for which PTA recalculation is requested resulted from a utility or plant application filed under 35 USC 111(a) before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(C). The patent for which PTA recalculation is requested resulted from an international application in which the international filing date was before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(D). The patent for which PTA recalculation is requested issued on/after March 2, 2010;

(E). The Request for Recalculation was filed more than 180 days after the grant date of the patent and the request was not filed within two months of a dismissal of a request for reconsideration of the of the patent term under 37 CFR 1.705(d);

(F). The Request for Recalculation is not solely limited to USPTO pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A);

or

(G). A civil action was filed pursuant to 35 U.S.C. 154(b)(4)(A)concerning the same patent at issue in this request.

Patentee may file a reply to this decision dismissing the Request for Recalculation. Patentee must file such reply within one month or thirty days, whichever is longer, of the mail date of the decision dismissing the Request for Recalculation. No fee is required if patentee is asserting in the reply that the dismissal for ineligibility is improper.

Patentee should use document code PET.OP if electronically filing a reply to this dismissal. If the USPTO finds that the request was improperly deemed ineligible, the USPTO will mail applicant a recalculation determination.

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

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

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FOLEY & LARDNER LLP
P.O. BOX 80278
SAN DIEGO, CA 92138-0278

Mail Date: 04/21/2010

Applicant	: Feras Hantash	: DECISION ON REQUEST FOR
Patent Number	: 7585626	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/921,482	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/19/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **161** 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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GARDNER GROFF, P.C.
100 PARKWOOD POINT
2018 POWERS FERRY ROAD
SUITE 800
ATLANTA, GA 30339

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JUL 27 2005

OFFICE OF PETITIONS

In re Application of	:	
Trissel et al.	:	
Application No. 10/921,487	:	DECISION GRANTING
Filed: August 19, 2004	:	STATUS UNDER
Attorney Docket No.	:	37 CFR 1.47(a)
2G02.1-086 2	:	

This is in response to a Petition to Accept Signature by Co-inventor on Behalf of Inventor Who Refuses to Join Application or Cannot be Reached (37 CFR 1.47(a))[1], filed March 21, 2005, to allow the other inventor(s) to proceed with the application on behalf of himself or herself and the nonsigning inventor.

The petition is **granted**.

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

Petitioner has shown that the non-signing inventor, Mitchell A. Solis, refuses to join in the application.

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

[1] Applicant avers that the nonsigning inventor cannot be found or reached after diligent effort; however, where it is asserted that an inventor cannot be found or reached after diligent effort, at the very least, an Internet search, or a search of telephone directories should be undertaken of the regions where it is suspected the non-signing inventor may reside. Copies of the results of such searches must be referred to in any petition. *See*, MPEP § 409.03(d). Here, where the whereabouts of the nonsigning inventor are apparently known, the treatment of the petition is properly as one where the inventor refuses to join the application.

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

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

Derek L. Woods
Petitions Attorney
Office of Petitions

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MITCHELL A. SOLIS
1975 LEXINGTON LANE
CUMMING, GA 30014

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JUL 27 2005

OFFICE OF PETITIONS

In re Application of	:	
Trissel et al.	:	
Application No. 10/921,487	:	LETTER
Filed: August 19, 2004	:	
Attorney Docket No.	:	
2G02.1-086 2	:	

Dear Mr. Solis:

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

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

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

Derek L. Woods
Attorney
Office of Petitions

cc: GARDNER GROFF, P.C.
100 PARKWOOD POINT
2018 POWERS FERRY ROAD
SUITE 800
ATLANTA, GA 30339

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MAR 26 2007
OFFICE OF PETITIONS

In re Application of	:	
Trissel et al.	:	
Application No. 10/921487	:	ON PETITION
Filing or 371(c) Date: 08/19/2004	:	
Title of Invention:	:	
MULTI-LANCET DEVICE WITH	:	
STERILITY CAP REPOSITIONING	:	
MECHANISM	:	

This is a decision on the "Second Petition to Accept Signature by Co-Inventor on Behalf of Inventor who Refuses to Join in Application or Cannot be Reached (37 C.F.R. § 1.47(a))", filed December 18, 2006. The petition is accompanied by a petition under 37 CFR 1.48(a), to correct inventorship in an application.

The petition under 37 CFR 1.47(a), is granted
The petition under 37 CFR 1.48(a), is dismissed.

Petitioner is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under [insert the applicable code section]"; should only address the deficiencies noted below. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

Background

Applicant filed with the present petition, a Request to Add Inventor in Utility Application (37 C.F.R. § 1.48(a)), requesting correction of inventorship in the above-identified application. The oath/declaration lacks the signature of inventor Mitchell Solis.

The petition under 37 CFR 1.47(a)

Applicant has demonstrated that the nonsigning inventor refuses to join in the application. The present petition to accept the oath or declaration by each actual inventor or inventors as permitted by 37 CFR 1.47, is granted.

The petition under 37 CFR 1.48(a)

Under 37 CFR 1.48(a), if the correct inventor or inventors are not named in an executed oath or declaration under 37 CFR 1.63 in a nonprovisional application for patent, the application can be amended to name only the actual inventor or inventors so long as the error in the naming of the inventor or inventors occurred without any deceptive intention on the part of the person named as an inventor in error or the person who through error was not named as an inventor.

37 CFR 1.48(a) requires that the amendment be accompanied by:

(1) a request to correct the inventorship that sets forth the desired inventorship change;

(2) a statement from each person being added and from each person being deleted as an inventor that the error occurred without deceptive intention on his or her part;

(3) an oath or declaration by each actual inventor or inventors as required by 37 CFR 1.63 or as permitted by 37 CFR 1.42, 1.43 or 1.47;

(4) the fee set forth in 37 CFR 1.17 (i); and

(5) the written consent of any existing assignee, if any of the originally named inventors has executed an assignment.

Analysis and conclusion

Applicant lacks item (5) set forth above. A review of office records reveals that an assignment of the invention has been executed by several of the named inventors.

The written consent of the assignee is required before the petition to correct inventorship may be granted.

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

TIPS GROUP
C/O INTELLEVATE LLC
P. O. BOX 52050
MINNEAPOLIS, MN 52050

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OCT 0 8 2008

OFFICE OF PETITIONS

In re Application of
Michael L. Gough
Application No. 10/921,491
Filed: August 19, 2004
Attorney Docket No. NEO1P002.US03

ON PETITION

This is a decision on the petition, filed March 14, 2008, requesting withdrawal of the holding of abandonment in the above-identified application under 37 CFR 1.181.

The petition is **GRANTED**.

The application was held abandoned for failure to reply in a timely manner to the non-final Office action mailed August 23, 2007, which set a shortened statutory period for reply of three (3) months. A Notice of Abandonment was mailed on March 3, 2008.

In response, on March 14, 2008, the present petition was filed wherein petitioner asserts that the response was timely, as it was filed Monday, February 25, 2008 with a 3-month extension of time. To support this assertion, petitioner submitted a copy of a Postcard Receipt which acknowledges receipt by the U.S. Patent and Trademark Office (USPTO) of, *inter alia,* an Amendment and Petition for Extension of Time – 3 mos. on February 28, 2008. It is noted that the postcard indicates a mailing date of February 25, 2008.

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(a), the signature of Paul L. Hickman appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts.

Petitioner is correct. In view of the appropriate extension of time filed February 28, 2008, using the Certificate of Mailing dated February 25, 2008, the response was timely. Since February 23, 2008 was a Saturday, applicant had until Monday, February 25, 2008, the next business day to file the response.

This application is being referred to Technology Center AU 2165 for appropriate action in the normal course of business on the reply received February 28, 2008.

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

Sherry D. Brinkley

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 5/04/2006

TO SPE OF : ART UNIT 2800 (2821)

SUBJECT : Request for Certificate of Correction on Patent No.: 6,842,303

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

Please complete this form and return with file, within 7 days to:
Certificates of Correction Branch – 2900 South Tower ste.9A43A
Palm location **7580** - Tel. No. 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Ok to enter changes to drawing figures as requested in C of C?

Thank You For Your Assistance

Ernest C. White, LIE (703) 308-9390x122
Certificates of Correction Branch

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

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

Comments:

It involves only with correcting the typographical errors, without affecting the scope of the claimed invention. Approval is suggested.

Ex. T. Tran (GAU. 2821)

SPE

2821
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

Mail Date: 04/20/2010

Applicant	: Knut Heusermann	: DECISION ON REQUEST FOR
Patent Number	: 7593916	: RECALCULATION of PATENT
Issue Date	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/921,512	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/19/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **551** 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

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

Mail Date: 05/17/2010

Applicant : Knut Heusermann
Patent Number : 7593916
Issue Date : 09/22/2009
Application No : 10/921,512
Filed : 08/19/2004

: 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 **604** 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
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Alexandria, VA 22313-1450
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HOVEY WILLIAMS LLP
2405 GRAND BOULEVARD, SUITE 400
KANSAS CITY, MO 64108

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NOV 1 0 2004

OFFICE OF PETITIONS

In re Application of	:	
Woods, Randall	:	
Application No. 10/921,533	:	ON PETITION
Filed: August 19, 2004	:	
Attorney Docket No. 32310-CNT1	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

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

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

Inquiries related to this communication should be directed to the undersigned at (571) 272-3282.

Liana Chase
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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FROM DIRECTORS OFFICE

MAY 23 2007

TECHNOLOGY CENTER 3600

DEWITT ROSS & STEVENS S.C.
8000 Excelsior Drive
Suite 401
Madison, WI 53717-1914

In re Application of Ferencz S. Denes et al. Application No. 10/921,551 Filed: August 18, 2004 For: PLASMA-ASSISTED DISINFECTION OF MILKING MACHINES	DECISION ON PETITION TO REVIEW RESTRICTION REQUIREMENT UNDER 37 CFR § 1.144

This is in response to applicants' petition filed under 37 CFR 1.144 received April 5, 2007 requesting a review of the requirement for restriction made final in the March 22, 2007 Office action. Applicants also request that the restriction requirement be withdrawn and that any subsequent actions address all claims.

The petition is **GRANTED**.

A review of the record reveals that in the Office action mailed December 01, 2006 the examiner required a restriction between invention I drawn to a milking machine and invention II drawn to a method. If applicants selected invention I, the examiner further required an election between invention IA (claims 1-9) drawn to a combination, invention IB (claims 10-16) drawn to a subcombination and invention IC (claims 17-22) drawn to a subcombination. In a response filed December 27, 2006, applicants elected with traverse invention I, subinvention IA. The examiner, upon reconsideration, adhered to the restriction requirement and made the requirement final. This petition was then timely filed.

With respect to inventions I and II, the examiner justified the requirement to restrict by indicating that the process can be practiced by another and materially different apparatus or by hand, "such as disinfecting the milking machine by hand." In the response dated December 27, 2006 the applicants traversed the restriction requirement by arguing a process can be practiced by hand if it can be performed without using any apparatus. Applicant further argues that as claim 23 plainly recites the use of an apparatus (e.g., a first electrode and a second electrode), it can not be performed by hand.

With respect to inventions IA, IB and IC, the examiner justified the requirement to restrict by indicating that the combination as claimed does not require the particulars of the subcombination as claimed and that the subcombination as separate utility. It is noted that claims 1-10 (combination IA) are directed to "a milking machine" and claims 10-16 (subcombination IB) and 17-22 (subcombination IC) are also directed to "a milking machine". As all the claims are directed to "a milking machine," it can not be said that the inventions set forth in claims 10-22 are directed to a subcombination of the milking machine.

After a careful review of the application file and thorough consideration of the positions taken by both applicants and the examiner, it is clear that the requirement was made in error and is, therefore, improper. MPEP § 806.05(e) clearly states the requirement as being that the process as claimed can be practiced by another materially different apparatus or by hand, i.e., without using any apparatus (emphasis added). It can not be seen how the process as claimed can be performed by hand as the process of disinfecting a milking machine requires providing an apparatus having a first electrode and a second electrode.

Accordingly, the requirement for restriction is vacated. The application will be promptly returned to the examiner for consideration of claims 10-23 on the merits.

Any questions concerning this decision should be referred to SPE Teri Luu at (571) 272-7045.

Donald T. Hajec, Director
Technology Center 3600
(571) 272-5150

tl/snm: 05/07/07

SM

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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MAIL

OCT 2 6 2004

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

Pedersen & Company, PLLC
P.O. Box 2666
Boise, ID 83702-2666

In re Application of
Raymond E. Bowden
Application No. 10/921,559
Filed: August 19, 2004
For: TELEVISED SCOREBOARD OR STATISTICS PRESENTATION WITH COLORS CORRESPONDING TO PLAYERS' UNIFORMS

DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the petition under 37 C.F.R. §1.102 to make special filed August 19, 2004 which is considered as pursuant to MPEP §708.02 (IV), applicant's age.

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

The petition includes a statement by Raymond E. Bowden 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.

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

Kenneth A. Wieder
Special Program Examiner
Technology Center 2600
Communications
(571) 272-2986

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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PEDERSEN & COMPANY, PLLC
P.O. BOX 2666
BOISE, ID 83701-2666

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JUN 16 2006
OFFICE OF PETITIONS

In re Application of	:	
Bowden, Raymond E.	:	DECISION ON PETITION
Application No. 10/921,559	:	TO WITHDRAW
Filed: August 19, 2004	:	FROM RECORD
Attorney Docket No. 3798	:	

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 11, 2005.

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

A review of the file record indicates that the power of attorney to the attorneys associated with Customer Number 27727 has been revoked by the applicant of the patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

David Bucci
Petitions Examiner
Office of Petitions

cc:

SHANE A. KENNEDY
P.O. BOX 6408
BOISE ID 83707

RAYMOND BOWDEN
1940 W. IDAHO BLVD.
EMMETT, ID 83617

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

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JUN 08 2007

OFFICE OF PETITIONS

In re Application of :

WILSON, Kevin :
Application No. 10/921,596 :
Filed: August 18, 2004 :
Attorney Docket No. **040172-001900US** :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 20, 2007.

The request is **APPROVED**.

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

The request was signed by William F. Vobach on behalf of all attorneys of record who are associated. 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.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **KEVIN WILSON**
4188 SOUTH SEBRING COURT
DENVER, CO 80237

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

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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MAY 15 2007

OFFICE OF PETITIONS

CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

In re Application of
David A. Desch, et al.
Application No. 10/921,623
Filed: August 18, 2004
Attorney Docket No. 101162.53439US

ON PETITION

This is a decision in response to the petition, filed December 11, 2006, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for a failure to reply in a timely manner to a non-final Office action mailed March 31, 2006. This decision precedes the mailing of a Notice of Abandonment. On December 11, 2006, 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 $1,500; and (3) the requisite statement of unintentional delay.

The application is being referred to Technology Center AU 2617 for consideration of the amendment filed December 11, 2006.

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

AUG 26 2005

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

MORRISON & FOERSTER LLP
425 Market Street
San Francisco, CA 94105-2482

In re Application of Robin Francis Dorulla et al Serial No: 10/921,638 Filed: August 18, 2004 For: CRUSH RING TO SEAL THE COUNTER PLATE ON HYDRODYNAMIC BEARING	: : : : : :	NOTICE OF WITHDRAWAL FROM ISSUE UNDER 37 CFR 1.313

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

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

U.S. Patent and Trademark Office records reveal that the issue fee and the publication fee have not been paid. If the issue fee and publication fee have been submitted, the applicant may request a refund, or may request that the fee be credited to a deposit account. However, applicant may wait until the application is either again found allowable or held abandoned. If the application is allowed, upon receipt of a new Notice of Allowance and Fee(s) due, applicant may request that the previously submitted issue fee and publication fee be applied toward payment of the issue fee and publication fee in the amount identified on the new Notice of Allowance and Fee(s) Due. If the application is abandoned, applicant may request either a refund or a credit to a specified Deposit Account.

Telephone inquiries should be directed to Charles A. Marmor at (571) 272-7095.

The application is being forwarded to the examiner for action.

Robert Oberleitner, Director
Patent Technology Center 3600
(571) 272-5350

SPE: D. Owens

LN

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 7/21/07

TO SPE OF : ART UNIT 2821

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/921,644 Patent No.: 7205947

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: _____

Douglas W. Owen — SPE

2821 — Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: X

DATE : **July 17, 2008**

TO SPE OF : ART UNIT **3723**

SUBJECT : Request for Certificate of Correction for Appl. No.: **10/921652** Patent No.: **7381662 B1**

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

With respect to the change(s) requested to correct Office and/or Applicant's errors, should the patent read as shown in the certificate of correction attached herewith or the COCIN document(s), in IFW images for the above-identified patented application? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

If the response is for an IFW, within **7** days, please complete and forward the response, to the employee (named below) via scanning into application images, using document code **COCX**.

DO NOT SENT TO ATTORNEY

If the response is for a paper file wrapper, please complete the response and forward the response with the paper file wrapper, to the employee (named below), within **7** days, to:

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

You can fax the Directors/SPE response to 571-270-9990

LAMONTE NEWSOME
Certificates of Correction Branch
703-308-9390 ext. 112

Thank You For Your Assistance

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

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

Comments: The ID was properly filed by applicant.

SPE

3723
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

Date Mailed : 07/31/08

Patent No. : 7356870 B2
Patent Issued : 04/15/08
Docket No. : **6530/3**

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.

Respecting the alleged errors in the documents filed on 06/16/08; please see attachment. **"Therefore, no correction(s) is in order here under United States Codes (U.S.C.) 254 and the Code of Federal Regulation (C.F.R.) 1322."**

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

Lamonte M. Newsome

Lamonte M. Newsome
For Mary Diggs, Supervisor
Decisions & Certificates
Of Correction Branch
(703) 305-8309 or (703)-308-9390 #112

VALUASKAS & PINE LLC
150 NORTH WACKER DRIVE
SUITE 1825
CHICAGO IL 60606

LMN

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: X

DATE : July 17, 2008

TO SPE OF : ART UNIT 3723

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/921652 Patent No 7356870 B2

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

With respect to the change(s) requested to correct Office and/or Applicant's errors, should the patent read as shown in the certificate of correction attached herewith or the COCIN document(s), in IFW images for the above-identified patented application? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

If the response is for an IFW, within 7 days, please complete and forward the response, to the employee (named below) via scanning into application images, using document code **COCX**.

DO NOT SENT TO ATTORNEY

If the response is for a paper file wrapper, please complete the response and forward the response with the paper file wrapper, to the employee (named below), within 7 days, to:

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

You can fax the Directors/SPE response to 571-270-9990

LAMONTE NEWSOME
Certificates of Correction Branch
703-308-9390 ext. 112

Thank You For Your Assistance

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

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

Comments: The TD was properly filed by applicant.

SPE

3723
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

August 6, 2009
~~October 7, 2008~~

Adam J. Forman
Woodcock Washburn LLP
2929 Arch Street, 12th Floor
Philadelphia, PA 19104-2891

Patent No: 7,422,447 B2
Application No.: 10/921,664
Applicant: Christopher G. Daily et al.
Issued: September 9, 2008
Title: **ELECTRICAL CONNECTOR WITH STEPPED HOUSING**

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 Rules 1.322/1.323.

In column 9, line 11, the alleged error is in fact a change made by the examiner and considered to be in accordance with the permissible amendments enumerated in M.P.E.P 1302.04.

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

Future correspondence concerning this matter should be directed to Decisions & Certificates of Correction Branch.

/Virginia Tolbert/
Virginia Tolbert
For Mary Diggs, Supervisor
Decisions and Certificate of Correction
(703) ~~305-8309 or (703) 308-9390 ext 113~~
756.1591

vt

Copy

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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RENNER OTTO BOISSELLE & SKLAR, LLP
1621 EUCLID AVENUE
NINETEENTH FLOOR
CLEVELAND, OH 44115

COPY MAILED

MAR 03 2006

OFFICE OF PETITIONS

In re Patent of :
Ratzel et al. :
Patent No. 6,947,407 :
Issue Date: December 13, 2005 : Decision on Petition
Application No. 10/921,701 :
Filing Date: August 19, 2004 :
Attorney Docket No. RANPP0185USB :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28(c), filed November 29, 2005.

The fee deficiency is accepted.

Itemization of fees paid, current fee amount, and deficiency owed:

Filing Fee	$385 paid	$790 current fee amount	$405 due
Surcharge	$65 paid	$130 current fee amount	$65 due
Issue Fee	$700 paid	$1,400 current fee amount	$700 due

The total deficiency fee due is $1,140. Petitioner submitted $1,380. Therefore, a total of $240 has been credited to petitioner's deposit account.

The change of status to large entity has been entered and made of record.

The file is being forwarded to Files Repository.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MARK E. WIEMELT, ESQ.
LAW OFFICES OF MARK E. WIEMELT, P.C.
STE. 3300
10 S. LASALLE ST.
CHICAGO IL 60603

COPY MAILED

JUL 27 2005

OFFICE OF PETITIONS

In re Application of
Richard Materna
Application No. 10/921,704
Filed: July 8, 2005
Title of Invention: FIREWOOD CONTAINER

: DECISION DISMISSING PETITION

This is a decision on the filing date petition, filed July 8, 2005, which is treated under 37 CFR 1.53, requesting that the above-identified application be accorded a filing date of August 19, 2004.

The application was deposited on August 19, 2004 without drawings.[1] Accordingly, on May 13, 2005, the Office of Initial Patent Examination mailed a "Notice of Incomplete Nonprovisional Application" stating that no filing date had been assigned because the application was deposited without drawings, and requiring drawings be filed if necessary.

In response, on July 8, 2005, petitioner timely responded with a complete copy of the application as filed and 6 sheets of drawings. Petitioner argues that the application was filed with drawings and therefore is entitled to a filing date of August 19, 2004. The petition is also accompanied by a copy of the transmittal and a postcard receipt as proof that the drawings were filed with the original application papers.

The argument and evidence supplied with the petition have been carefully considered, but are not persuasive. The USPTO has a well-established and well-publicized practice of providing a receipt for papers filed in the USPTO to any applicant desiring a receipt. The practice requires that any paper for which a receipt is desired be filed in the USPTO with a self-addressed postcard identifying the paper. A postcard receipt which itemizes and properly identifies the papers which are being filed serves as prima facie evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO. See section 503, Manual of Patent Examining Procedure (MPEP 503).

---

[1] 35 U.S.C. § 113 (first sentence) requires a drawing "where necessary for the understanding of the subject matter sought to be patented."

Unfortunately, the postcard receipt is not date-stamped and the application transmittal letter is, at best, only evidence of what was intended to be filed, not evidence of what was actually received or filed in the USPTO.

In view thereof, petitioner's request that the application be accorded a filing date of August 19, 2004, must be **DISMSSED**. However, the application is being accorded a filing date of July 8, 2005, the date the drawings were received in the office.

This matter is being referred to the Office of Initial Patent Examination for further processing with a filing date of July 8, 2005, using the application papers received in the Office on August 19, 2004 and the drawings, submitted on July 8, 2005.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MARK E. WIEMELT, ESQ.
LAW OFFICES OF MARK E. WIEMELT, P.C.
STE. 3300
10 S. LASALLE ST.
CHICAGO IL 60603

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SEP 0 2 2005

OFFICE OF PETITIONS

In re Application of
Richard Materna
Application No. 10/921,704
Filed: August 29, 2005
Title of Invention: FIREWOOD CONTAINER

: DECISION GRANTING
: PETITION

This is a decision on the request for reconsideration, filed August 29, 2005, to accord August 19, 2004 as the filing date on the above identified application. The petition is treated under 37 CFR 1.53.

The application was deposited on August 19, 2004 without drawings.[1] Accordingly, on May 13, 2005, the Office of Initial Patent Examination mailed a "Notice of Incomplete Nonprovisional Application" stating that no filing date had been assigned because the application was deposited without drawings, and requiring drawings be filed if necessary.

In response, on July 8, 2005, petitioner timely responded with a complete copy of the application as filed and 6 sheets of drawings. Petitioner argued that the application was filed with drawings and therefore was entitled to a filing date of August 19, 2004. The petition was also accompanied by a copy of the transmittal and a postcard receipt as proof that the drawings were filed with the original application papers. The petition was dismissed in a decision mailed July 27, 2005 because the postcard receipt was not date-stamped and the application transmittal letter, at best, only served as evidence of what was intended to be filed, not evidence of what was actually received or filed in the USPTO.

Comes now petitioner with a request for reconsideration. In furtherance of their claim that a complete application was filed on August 19, 2004, petitioner proffers a copy of a post card with a USPTO date stamp of August 19, 2004 to corroborate the assertion that the application had been filed with 6 sheets of drawings. Additionally, the postcard receipt

[1] 35 U.S.C. § 113 (first sentence) requires a drawing "where necessary for the understanding of the subject matter sought to be patented."

lacks any notation of non-receipt of any item listed. In view thereof, the petition is **GRANTED**.

Given the basis for granting the petition the petition fee in the amount of $400.00 is not necessary and upon petitioner's request, can be refunded.

This application is being forwarded to the Office of Initial Patent Examination (OIPE) for a correction of the filing date to August 19, 2004 using the application papers received in the Office on August 19, 2004 and the papers submitted on petition August 29, 2005.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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Stephen M. Patton
7881 Grove Court East
Germantown, TN 38138

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JUL 28 2006
OFFICE OF PETITIONS

In re Application of	:	
Giorgio Bordini	:	
Application No. 10/921,740	:	DECISION ON PETITION
Filed: August 19, 2004	:	TO WITHDRAW
Attorney Docket No. 17739	:	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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 11/9/09

TO SPE OF : ART UNIT 1634 Jeanine Goldberg

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/921742 Patent No.: 7332282

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

Certificates of Correction Branch
703-756-1571 _____

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: 35 USC 255 states CofC are used for minor mistakes of clerical or typographical nature. Here the changes are complicated and significant. The change from Seq. ID No 1 to Seq. ID. No 5 is substantive. Similarly the changes of Spec at col 5 are unclear since Seq ID No 1 + 5 are nucleic not amino acid sequences. The amendments in col 24 + 62 are similiarly ~~th~~ not minor in nature. Col 62 raises new matter.

SPE 1634 Art Unit

PTOL-306 (REV. 7/03) U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 11/9/09

TO SPE OF : ART UNIT 1634 Jeanine Goldberg

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/921742 Patent No.: 7332282

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

Certificates of Correction Branch
703-756-1571

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.

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

Comments: 35 USC 255 states CofC are used for minor mistakes of clerical or typographical nature. Here the changes are complicated and significant. The change from Seq. ID No 1 to Seq. ID. No 5 is substantive. Similarly the changes of Spec at col 5 are unclear since Seq ID No 1 + 5 are nucleic not amino acid sequences. The amendments in col 24 + 62 are similiarly ~~is~~ not minor in nature. Col 62 raises new matter.

SPE

1634
Art Unit

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

5/10/2010

Patent No. :7332282
Inventor(s) :Fink et al.
Issued :8/19/2004
Title :COMPOSITIONS AND METHODS FOR DETECTING AND TREATING NEUROLOGICAL DISORDERS
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 35 USC 255 states certificate of correction are used for minor mistakes of clerical or typographical nature. Here the changes are complicated and significant. The changes from Seq. ID No.1 to Seq. ID No. 5 is substantive. Similarly the changes of Spec at col. 5 are unclear since Seq. No. 1 & 5 are nucleic not amino acid sequences. The amendments in col. 24 & 62 are similiary not minor in nature. Also col. 62 raises new matter. Therefore being no fault on the Patent and Trademark Office, It has no authority to issue a certificate of correction under the provision of 1.322.

In view of the forgoing, your request in this matter, is hereby denied.

Future written correspondence concerning this matter should be filed and directed to Decisions & Certificates of Correction Branch.

Henry Randall
Decisions & Certificates
of Correction Branch
(703) 756-1571

CASIMIR JONES S.C.
2275 DEMING WAY SUITE 310
MIDDLETON, WI 53562

HR

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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LATHROP & GAGE LC
4845 PEARL EAST CIRCLE
SUITE 300
BOULDER, CO 80301

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FEB 29 2008

In re Application of		
Vock, et al.	:	
Application No. 10/921,743	:	ON PETITION
Filed: 19 August, 2004	:	
Attorney Docket No.: 423691	:	

This is a decision on the petition filed (with fee) on 23 March, 2006, to expunge a document from the file and considered under 37 C.F.R. §1.59.

The Office regrets the delay in addressing this matter, however, the instant petition was presented to the attorneys in the Office of Petitions only at this writing

The petition under 37 C.F.R. §1.59 is **DISMISSED**.

The instant application was filed on 19 August, 2004, and Notice of Allowance mailed on 16 February, 2006.

Petitioner wishes to remove "the information submitted on 08 March, 2006, entitled Comment on Statement of Reasons for Allowance, and dealing with the Examiner's Statement of Reasons for Allowance mailed on 16 February, 2006 *** since it was inadvertently submitted in the wrong application."

A review of the record indicates that no such paper was filed of record on 8 March, 2006.

A further review of the record indicates that:

- Petitioner may have intended to reference in the petition the paper filed of record on 22 February, 2006; and

- while the guidance at the Commentary set forth at MPEP §724.04 indicates that requirements of the petition are, in pertinent part:

***

> (A) a clear identification of the information to be expunged without disclosure of the details thereof;
>
> (B) a clear statement that the information to be expunged is trade secret material, proprietary material, and/or subject to a protective order, <u>and that the information has not been otherwise made public</u>; (emphasis supplied)
>
> (C) a commitment on the part of the petitioner to retain such information for the period of any patent with regard to which such information is submitted;
>
> (D) a statement that the petition to expunge is being submitted by, or on behalf of, the party in interest who originally submitted the information[,]

***

Petitioner has not satisfied these requirements/made these statements.

Further, while Petitioner avers that the contents of the paper in question "have since been submitted in the correct case, U.S. Serial No. 10/842,947," Office records also demonstrate that Application No. 10/842, 947 issued on 4 July, 2006, as Patent No. 7,072,798.

It appears that Petitioner has not made the statement set forth in item "A," above.
is not in a position to make the statement set forth in item "B," above.

The instant petition is **<u>dismissed</u>**.

The instant application is released to IFW files.

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[1]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

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

[1] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No. None

HUNTON & WILLIAMS LLP
INTELLECTUAL PROPERTY DEPARTMENT
1900 K STREET, N.W.
SUITE 1200
WASHINGTON DC 20006-1109

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SEP 2 0 2005

OFFICE OF PETITIONS

In re Application of
Kenneth H. Appleman et al.
Application No. 10/921,759
Filed: August 19, 2004
Attorney Docket Number: 54941.000044
Title: COLLABORATIVE INTERNET DATA MINING SYSTEM

DECISION ON PETITIONS UNDER 37 C.F.R. §§1.78(A)(3) and 1.78(A)(6)

This is a decision on the petition which is being treated as a petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed April 19, 2005, to accept an unintentionally delayed claim under 35 U.S.C. §§120 and 119(e) for the benefit of the nonprovisional application number 10/461,917, filed June 12, 2003, nonprovisional application number 10/033,392, filed December 28, 2001, nonprovisional application number 09/756,365, filed January 9, 2001, nonprovisional application number 09/129,843, filed August 6, 1998, nonprovisional application number 09/019,924, filed February 6, 1998, and provisional application number 60/037,852, filed February 7, 1997, as set forth in the concurrently filed Application Data Sheet.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

(1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR §§

1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional where there is a question whether the delay was unintentional.

The instant nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed applications is submitted after expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). Therefore, this is a proper petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6).

The instant nonprovisional application was pending at the time of filing of the reference to the prior-filed provisional application as required by 37 CFR 1.78(a)(5)(ii). Additionally, the intermediate application 09/019,924, filed February 6, 1998, was filed within twelve months of the filing date of the prior-filed provisional application, Application No. 60/037,852, which was filed on February 7, 1997, for which priority is claimed.

The petition complies with the requirements for a grantable petition under 37 CFR §§1.78(a)(3) and 1.78(a)(6) in that (1) a reference to the above-noted, prior-filed applications has been included in the substitute application data sheet which was provided along with this petition, as provided by 37 CFR §§ 1.78(a)(2)(iii) and 1.78(a)(5)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) the petition contains a proper statement of unintentional delay. Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. §§ 120 and 119(e) to the above-noted, prior-filed applications satisfies the conditions of 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) should <u>not</u> be construed as meaning that the instant application is entitled to the benefit of the filing date of the prior-filed applications. In order for the instant application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. §§120 and 1.78(a)(1) and (a)(2) and under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should <u>not</u> be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the instant application is entitled to the benefit of the earlier filing date.

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

The general phone number for the Office of Petitions which should be used for status requests is (571) 272-3282. Telephone inquiries regarding this decision should be directed to Senior Attorney Paul Shanoski at (571) 272-3225.

This application is being forwarded to Technology Center Art Unit 2142 for appropriate action on the amendment submitted June 20, 2003, including consideration by the examiner of the claim for the benefit of the prior-filed applications.

Frances Hicks

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

ATTACHMENT : Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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

LATHROP & CLARK LLP
740 REGENT STREET SUITE 400
P.O. BOX 1507
MADISON, WI 53701-1507

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DEC 22 2009

OFFICE OF PETITIONS

In re Application of	:	
Glenn M. Trischan et al	:	
Application No. 10/921,763	:	DECISION ON PETITION
Filed: August 19, 2004	:	TO WITHDRAW
Attorney Docket No. JCI-462	:	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 October 16, 2009.

The request is **APPROVED**.

A review of the file record indicates that Marcus W. Sprow: (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, Marcus W. Sprow has been withdrawn from the present application and may not prepare or submit papers under 37 C.F.R. § 1.34, or correspond in any manner in this application unless appointed in an acceptable power of attorney under 37 C.F.R. § 1.32(b).

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

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Marcus W. Sprow
500 Woodward Ave. Suite 2700
Detroit, MI 48226-3489

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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MERCHANT & GOULD P.C.
P.O. BOX 2903
MINNEAPOLIS MN 55402-0903

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APR 17 2007

OFFICE OF PETITIONS

In re Application of
HOYT, Jerry D. et al.
Application No. 10/921,776
Filed: August 18, 2004
Attorney Docket No. **163.1815US01**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 22, 2007.

The request is **APPROVED**.

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

The request was signed by Sarah M. Monfeldt. The correspondence address of record remains unchanged.

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

Monica A. Graves
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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BIRCH STEWART KOLASCH & BIRCH
P.O. BOX 747
FALLS CHURCH VA 22040-0747

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SEP 20 2005

OFFICE OF PETITIONS

In re Application of	:	
Douglas A. Newberg	:	
Application No. 10/921,805	:	ON PETITION
Filed: August 20, 2004	:	
Attorney Docket No. 2153-0118PUS2	:	

This is a decision on the petition, filed September 19, 2005, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

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

Petitioner is advised that the issue fee paid on April 8, 2005 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

The examiner of Technology Center AU 3751 will consider the request for continued examination under 37 CFR 1.114.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

---

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

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

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MAR 1 5 2005

OFFICE OF PETITIONS

In re Application of
Yoshida et al.
Application No. 10/921,809
Filed: August 20, 2004
Attorney Docket No. 08009.0011
For: Valve Metal Powder and Solid Electrolytic Capacitor Using Same

DECISION REFUSING TO ACCORD STATUS UNDER 37 CFR 1.47(a)

This is a decision on the petition under 37 CFR 1.47(a), filed October 26, 2004.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)" and may include an oath or declaration executed by the current non-signing inventor(s). **Failure to respond will result in abandonment of the application.**

A grantable petition under 37 CFR 1.47(a) requires

(1) proof that the non-signing inventor cannot be found or reached after diligent effort or that the inventor refuses to sign after having been presented with the application papers (specification, claims, and drawings),
(2) a proper oath or Declaration executed by the available joint inventor(s),
(3) the fee of specified in 37 CFR 1.17(g), and
(4) the last known address of the omitted inventor(s).

The instant petition fails to satisfy (1) and (2).

As to (1), an employee of assignee states he attempted to contact the non-signing inventor at his last known address and telephone number. The employee states, "[I] have been unable to locate him." Petitioner has failed to show that a diligent effort was made to locate the inventor upon learning he no longer resided at the prior address. Example of steps which might be taken include consulting directory assistance for a new telephone number or an internet search.

As to (2), the declaration fails to list mailing addresses for the inventors. The address for the non-signing inventor differs from the last known mailing address stated in the petition. As to the other inventors, the mailing addresses listed on the declaration appear not to be addresses where they customarily receive mail. MPEP 605.03 states,

> Applicant's mailing address means that address at which he or she customarily receives his or her mail. Either applicant's home or business address is acceptable as the mailing address. . . . The object of requiring each applicant's mailing address is to enable the Office to communicate directly with the applicant if desired; hence, the address of the attorney with instruction to send communications to applicant in care of the attorney is not sufficient.

In certain circumstances, a business address, rather than a home address, may be given as the mailing address for an inventor. A business address may be appropriate when the inventor customarily receives his or her mail at that address and the address can be used to communicate directly with the inventor. For example, a self-employed inventor may customarily receive his mail at his business address. The record fails to indicate that the inventors normally customarily receive their mail at the assignee's address. In addition, the record fails to indicate the assignee's address is one which the Office could use to directly communicate with the inventors.

Petitioner may wish to note the address issue may not only be corrected by a supplemental declaration which would require new signatures by the inventors, but may also be corrected by simply filing an Application Data Sheet listing mailing addresses for each inventor.

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

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

By facsimile: (703) 872-9306
Attn: Office of Petitions

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

If a request for reconsideration is filed, and a decision on the new petition is not received within three months, petitioner may wish to call the number below to check on the status of the renewed petition.

Telephone inquiries concerning the instant decision should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Petitions Attorney
Office of Petitions

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Washington, DC 20005-3315

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AUG 19 2005

OFFICE OF PETITIONS

In re Application of Yoshida et al. Application No. 10/921,809 Filed: August 20, 2004 Attorney Docket No. 08009.0011 For: Valve Metal Powder and Solid Electrolytic Capacitor Using Same	: : : : : : :	Decision Noting Joinder of Inventor and Decision Dismissing Any Request for Status Under 37 CFR 1.47 as Moot

Papers filed on June 9, 2005, in response to a Decision refusing to accord status under 37 CFR 1.47(a) mailed on March 15, 2005, include a Declaration signed by the previously non-signing inventor in compliance with 37 CFR 1.63.

In view of the joinder of the inventor, further consideration under Rule 1.47(a) is moot; this application does not have any Rule 1.47 status and no such status should appear on the file wrapper. This application need not be returned to this Office for any further consideration under Rule 1.47(a).

For the above reasons, the petition is **dismissed as moot**.

This application is being returned to the Office of Initial Patent Examination to complete processing of the application.

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

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BLAKE, CASSELS & GRAYDON, LLP
BOX 25, COMMERCE COURT WEST
199 BAY STREET, SUITE 2800
TORONTO ON M5L 1A9 CA **CANADA**

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JUL 02 2010

OFFICE OF PETITIONS

In re Application of
Matthew Colledge, et. al.
Application No. 10/921,820
Filed: August 20, 2004
Attorney Docket No. 70615/00015

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed May 19, 2010, to revive the above-identified application.

The application became abandoned for failure to file a reply to the non-final Office action mailed November 18, 2009.

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

This application file is being referred to Technology Center Art Unit 2163 for review of the amendment submitted with the present petition.

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

Andrea Smith
Petitions Examiner
Office of Petitions

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MAY 15 2007

OFFICE OF PETITIONS

BLANK ROME LLP
600 NEW HAMPSHIRE AVENUE, N.W.
WASHINGTON, DC 20037

In re Patent No. 7,103,254	:	
Issued: September 5, 2006	:	
Application No. 10/921,828	:	NOTICE
Filed: August 20, 2004	:	
Patentee: Kunio Yamada	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

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

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

This application no longer qualifies for small entity status. Accordingly, all future fees must be paid at the large entity rate.

Inquiries related to this communication should be directed to the Office of Petitions Staff at (571) 272-3282.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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H.C. PARK & ASSOCIATES, PLC
8500 LEESBURG PIKE
SUITE 7500
VIENNA, VA 22182

Mail Date: 04/20/2010

Applicant	: Jae-Ik Kwon	: DECISION ON REQUEST FOR
Patent Number	: 7586466	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/921,829	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/20/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **861** 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.:20060214

RECEIVED

MAR 2 8 2006

TC 1700

DATE : February 14, 2006

TO SPE OF : ART UNIT 1725

SUBJECT : Request for Certificate of Correction on Patent No.: 6,969,820

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:

Both parents of instant patent have only JP 2000-258854 08/29/2000 as a foreign priority document. There is NO MENTION of JP 2000-19062 01/27/2000. This document (JP 2000-19062) cannot added because it changes applicants' dates.

PE

SPE: Patrick Ryan **Art Unit** 1725

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : Feb. 2, 2006

TO SPE OF : ART UNIT 1725 (To: Primary Examiner - *Maria Elve, as the SPE is not listed*)

SUBJECT : Request for Certificate of Correction on Patent No.: 6,969,820

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.
Please see Item (30), For. App. Prior. Data. Your denial or approval decision is needed below.

sp STACY POWELL

Thank You For Your Assistance

Certificates of Correction Branch
Tel. No. 703-308-9390 x120

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

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

Comments:

_____ **SPE** _____ **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO. : 6,969,820 B2

DATED : November 29, 2005

INVENTOR(S) : Ken-ichi Hayashi et al.

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

On the Front Page of the Patent

In Section (30):

The additional Foreign Application Priority Data should read:

-- January 27, 2000 (JP) 2000-19062 --

denied.

MAILING ADDRESS OF SENDER:

Customer No. 32294
SQUIRE, SANDERS & DEMPSEY L.L.P.
8000 Towers Crescent Drive, 14th Floor
Tysons Corner, Virginia 22182-2700

Patent No. 6,969,820

No. of add'l. copies
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FORM PTO 1050 (REV. 3-82)

JAN 27 2006

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

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MAR 23 2010

OFFICE OF PETITIONS

In re Application of	:	
Patil et al.	:	
Application No. 10/921,849	:	LETTER REGARDING
Filed: August 20, 2004	:	PATENT TERM ADJUSTMENT
Atty Docket No. 39700-640001US/NC40233US	:	

This letter is in response to the "Letter Regarding Patent Term Adjustment at Allowance Pursuant to Comment 43 of the Final Rule" filed September 29, 2009. Pursuant to applicants' duty of good faith and candor to the Office, applicants request the determination of patent term adjustment under 35 U.S.C. 154(b) be reviewed for accuracy.

The request for review of the patent term adjustment is **dismissed**.

On July 1, 2009, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated the patent term adjustment to date is 976 days.

Applicants state,

> [The] PTA may be longer than appropriate. Please review these calculations with attention to the *Two (2) Month Request for Extension of Time* filed and granted on February 11, 2009, which may be construed as "Applicant Delay" under 35 USC § 154(b)(2)(C).

A review of the application history supports a conclusion the Office acted correctly when the Office did not enter a reduction for the request for the extension of time filed February 11, 2009.

The patent term adjustment at the time of mailing of the notice of allowance remains 976 days.

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

Applicants are reminded that any delays by the Office pursuant to 37 CFR 1.702(a)(4) and 1.702(b) and any applicant delays under 37 CFR 1.704(c)(10) will be calculated at the time of the issuance of the patent and applicants will be notified of the revised patent term adjustment to

be indicated on the patent in the Issue Notification letter that is mailed to applicants approximately three weeks prior to issuance.

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

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Steven Brantley at (571) 272-3203.

Anthony Knight
Supervisor
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Jason H. Vick
Sheridan Ross, PC
Suite # 1200
1560 Broadway
Denver, CO 80202

Mail Date: 04/20/2010

Applicant	: Christopher C. Cunningham	: DECISION ON REQUEST FOR
Patent Number	: 7580471	: RECALCULATION of PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/921,857	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/20/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1255** 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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Jason H. Vick
Sheridan Ross, PC
Suite # 1200
1560 Broadway
Denver, CO 80202

Mail Date: 05/17/2010

Applicant : Christopher C. Cunningham
Patent Number : 7580471
Issue Date : 08/25/2009
Application No : 10/921,857
Filed : 08/20/2004

: NOTICE CONCERNING IMPROPER
: CALCULATION OF PATENT TERM
: ADJUSTMENT BASED UPON USPTO
: IMPROPERLY MEASURING REDUCTION
: PERIOD UNDER 37 CFR 1.704(c)(10).

The United States Patent and Trademark Office (USPTO) discovered that in processing the recent recalculation decisions mailed in response to patentee's filed Request for Recalculation of Patent Term Adjustment in view of Wyeth, the USPTO improperly measured the reduction period for reductions under 37 CFR 1.704(c)(10). Pursuant to 37 CFR 1.704(c)(10), patentee's reduction begins on the date of filing the amendment under 37 CFR 1.312 ("1.312 amendment") or other related paper and ends on the date that the Office mails a response to the filing of the 1.312 amendment or other paper. It has been discovered that during the recalculation, the calculation failed to the limit the reduction to the mail date of the response to the 1.312 amendment or other paper. Accordingly, patentee's reductions were greater than warranted.

This notice **VACATES** the previous GRANTED request for recalculation and provides patentee with a revised GRANTED recalculation.

The patent term adjustment has been determined to be **1288** 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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May 15 , 2007

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

Patent No: 7118196 B2
Application No: 10/921893
Applicant: Keitaro Aoshima
Issued: October 10, 2006
Title: **INK JET RECORDING METHOD**

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 and or 1.323.

The error complained of in your request cannot be corrected, since we are unable to read the request (see attached copy). A call to your office was placed on December 13, 2006, however I still have not received a response.

Virginia Tolbert
For Cecelia Newman, Supervisor
Decisions and Certificate of Correction
(703) 308-8309 or (703) 308-9390 ext. 113

vt

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FLIESLER MEYER, LLP
FOUR EMBARCADERO CENTER
SUITE 400
SAN FRANCISCO, CA 94111

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JAN 19 2006

OFFICE OF PETITIONS

In re Application of	:
Dummett	: DECISION ON PETITION
Application No. 10/921,903	:
Filed: August 20, 2004	:
Docket No.: ADEX-01001US0	:

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 April 12, 2005 for failure to timely reply to the non-final Office action mailed January 11, 2005. The Notice set a three (3) month shortened statutory period of time for reply. No extensions of time in accordance with 37 C.F.R. § 1.136 were timely requested. Notice of Abandonment was mailed July 22, 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.

This application is being forwarded to Technology Center 1700 for further processing.

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

Alesia M. Brown
Petitions Attorney
Office of Petitions

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KRATZ, QUINTOS & HANSON, LLP
1420 K Street, N.W.
Suite 400
WASHINGTON DC 20005

MAILED

JUL 0 2 2009

OFFICE OF PETITIONS

In re Patent No. 7,454,032 :
Issue Date: November 18, 2008 :
Application 10/921,911 : ON PETITION
Filed: August 20, 2004 :
Attorney Docket No. 040408 :

This is a decision on the petition under 37 CFR 1.183 filed November 24, 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 the JoAnne Burke at (571) 272-4584. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

As authorized, the $130 fee for the petition under 37 CFR 3.81(b) has been assessed to petitioner's deposit account.

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.

JoAnne Burke
Petitions Examiner
Office of Petitions

---

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 10-24-08

TO SPE OF : ART UNIT 2874

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/921932 Patent No.: 7397598

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: The request is denied since now that the patent has granted, it is no longer within the jurisdiction of the USPTO to remove this information. Furthermore, the petition filed 10/15/04 would not have been granted since it did not satisfy conditions (B), (C) and (D) for a grantable petition to expunge set forth in MPEP 724.05.

/UYEN-CHAU LE/ 2874 MC

SPE Art Unit

PTOL-306 (REV. 7/03) U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 10-24-08

TO SPE OF : ART UNIT 2874

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/921932 Patent No.: 7397598

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

H. Chen
Certificates of Correction Branch
703-308-9390 ext. 123

Thank You For Your Assistance

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

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

Comments: The request is denied since now that the patent has granted, it is no longer within the jurisdiction of the USPTO to remove this information. Furthermore, the petition filed 10/15/04 would not have been granted since it did not satisfy conditions (B), (C) and (D) for a grantable petition to expunge set forth in MPEP 724.05.

/UYEN-CHAU LE/ 2874 MC
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

Date : August 10, 2009

Patent No. :7335632
Inventor(s) :Arun K. Ghosh et al.
Issued :February 26, 2008
Title :BETA-SECRETASE INHIBITORS AND METHODS OF USE THEREOF

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of 37 CFR 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Fee(s) Transmittal Form PTOL-85B. After payment of the issue fee, correction of assignment data submitted on the PTOL-85B can only be done by Certificate of Correction under 37 CFR 1.323, with a request under 37 CFR 3.81(b).

A request for a patent to be corrected to state the name of the assignee must:

A. state that the assignment was submitted for recordation as set forth in 37 CFR 3.11 before issuance of the patent;

B. include a request for a certificate of correction under 37 CFR 1.323 along with the fee set forth in 37 CFR 1.20(a); and

C. include the processing fee set forth in 37 CFR 1.17(i).

If the request is granted, Certificates of Correction Branch will be notified that a Certificate of Correction may be issued.

See Manual of Patent Examining Procedure, Section 1481.01 (Rev. 3) (Oct. 2005).

Applicant has not included items A and or C above, accordingly, the request for Certificate of Correction to add or change the assignee data is dismissed.

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

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

By hand:	Customer Service Window Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	571-273-8300 ATTN: Office of Petitions
EFS web	uspto.gov/ebc/index.html (must be registered as an e-filer to submit responses) Technical Support 1-866-217-9197

Any inquiry concerning this communication should be directed to Ms. A. Green at (703) 756-1541.

Mary Diggs, Supervisor
Decisions & Certificates
of Correction Branch
(703) 756-1580 or (703) 756- 1541

Kimberly A. Bolin
Morrison & Foerster LLP
755 Page Mill Road
Palo Alto, CA 94301-1018

/arg

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Date Mailed : August 10, 2009

Patent No. :7397598
Inventor :Akira Tokuhisa
Patent Issued :July 8, 2008
Title :LIGHT SOURCE UNIT AND LIGHT IRRADIATION UNIT

Re: Request for Certificate of Correction

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

Inspection of the application for the patent reveals that in connection with the alleged error pertaining to item (56) References Cited; the Letters Patent with regard to applicants request is printed in accordance with the records within the Patent and Trademark. As the result of further review, it has been determined that it is no longer within the jurisdiction of the uspto to remove this information. Furthermore, the petition filed 10/15/04 would not have been since it did not satisfy conditions (b), (c) and (d) for a grantable petition to expunge as set forth in MPEO 724.05.

In view of the foregoing applicants request in this matter is hereby denied. Any telephone inquiry concerning this communication should be directed to Ms. A. Green at (703) 756-1541.

Mary Diggs, Supervisor
Decisions & Certificates
of Correction Branch
(703) 756-1580 or (703) 756-1541

Oblon, Spivak, McClelland, Maier & Neustadt, P.C.
1940 Duke Street
Alexandria, VA 22314

/arg

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

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

Mail Date: 04/20/2010

Applicant	: Tsuguhiro Aoki	: DECISION ON REQUEST FOR
Patent Number	: 7586864	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/921,984	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/20/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **720** 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 : February 27, 2008

TO SPE OF : ART UNIT 2854

SUBJECT : Request for Certificate of Correction for Appl. No. 10/921985 patent no7029188

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: _____

JUDY NGUYEN

SUPERVISORY PATENT EXAMINER

SPE

2854

Art Unit

PTOL-306 (REV. 7/03)

U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

MILLER THOMPSON, LLP
20 QUEEN STREET WEST
SUITE 2500
TORONTO ON M5H 3S1 CA
CANADA

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FEB 09 2005
OFFICE OF PETITIONS

In re Patent of	:	
David Joseph Beckford	:	
Application No. 10/921,987	:	DECISION
Filed: August 20, 2004	:	ON PETITION
Title of Invention:	:	
SYSTEM, COMPUTER PROGRAM AND	:	
METHOD FOR QUANTIFYING AND	:	
ANALYZING MUSICAL INTELLECTUAL	:	
PROPERTY	:	

This is a decision on the Petition filed December 17, 2004, requesting the application be accorded a filing date of August 20, 2004, including page 95 of the specification. The petition is properly treated under 37 CFR 1.53(e).

The petition is **DISMISSED**.

Background

The application was filed on August 20, 2004. On November 3, 2004, the Office of Initial Patent Examination (OIPE) mailed a Notice to File Corrected Application Papers (hereinafter "Notice"), informing Applicant that a filing date had been accorded the application; however, page 95 of the specification appeared to have been omitted from the application.

The instant petition

Applicant files the instant petition and avers that page 95 was included among 96 pages of specification originally filed with the application on August 20, 2004. In support of this assertion, Applicant files a copy of two return-receipt postcard "stamped by [this Office] confirming the date of filing." Petition p.1.

A review of the postcards reveals that they evidence receipt by this Office of a "Utility Patent Cover Sheet; Fee Transmittal; Declaration; Specification; Drawings; Filing Fee in the sum of $385.00 (US)", on August 20, 2004.

Analysis

The best evidence of what was filed on August 20, 2004, is applicant's postcard receipt. In this case, Applicant's postcard receipt fails to demonstrate that page 95 of the specification was filed with the application.

Evidence of receipt of any correspondence filed in the Patent and Trademark Office can be obtained by submitting a self-addressed postcard properly itemizing and identifying the paper or papers being filed. Upon receipt of the correspondence, the Patent and Trademark Office will check the listing on the post card against the papers submitted, making sure that all items listed are present and will then stamp the postcard with an Official date stamp and place the postcard in the outgoing mail. "A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all items listed thereon by the PTO." MPEP § 503.

In this instance, Applicant's postcard receipt does not identify how many pages of specification were filed with the application, but notes only that a specification was filed. Thus, Applicant's postcard receipt fails to demonstrate that page 95 of the specification was present upon filing the instant application.

The MPEP provides that

> If a new application is being filed, all parts of the application being submitted should be separately listed on the post card, e.g. the number of pages of specification (including written description, claims and abstract), number of claims, number of sheets of drawings, number of pages of oath/declaration, number of pages of cover sheet (provisional application).
>
> The postcard receipt will not serve as prima facie evidence of receipt of any item which is not adequately itemized on the postcard. For example, merely listing on the postcard 'a complete application' or 'patent application' will not serve as a proper receipt for each of the required components

> of an application (e.g., specification (including claims), drawings (if necessary), oath or declaration and the application filing fee[ ] or missing portions (e.g., pages, sheets of drawings) of an application if one of the components or portions of a component is found to be missing by the USPTO. Each separate component should be specifically and properly itemized on the postcard.

MPEP § 503

Conclusion

If page 95 of the specification was not present on the August 20, 2004 filing date, it cannot be considered a part of the original disclosure of the application. Applicant has failed to satisfactorily demonstrate that page 95 of the specification was present in the Office on August 20, 2004. Therefore, the application cannot be accorded the August 20, 2004 filing date with page 95 of the specification as part of the original disclosure. The issue of new matter is one appropriately addressed by the primary examiner during prosecution of the application after the filing date of the application has been determined.

The application is being referred to the Office of Initial Patent Examination ("OIPE") for further processing with a filing date of August 20, 2004, using the pages of specification filed on that date.

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

Derek L. Woods
Attorney/Advisor
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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MILLER THOMPSON, LLP
20 QUEEN STREET WEST
SUITE 2500
TORONTO ON M5H 3S1 CA
CANADA

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SEP 14 2005

OFFICE OF PETITIONS

In re Patent of	:
David Joseph Beckford	:
Application No. 10/921,987	: DECISION
Filed: August 20, 2004	: ON PETITION
Title of Invention:	:
SYSTEM, COMPUTER PROGRAM AND	:
METHOD FOR QUANTIFYING AND	:
ANALYZING MUSICAL INTELLECTUAL	:
PROPERTY	:

This is a decision on the Petition to Withdraw the Abandonment (37 CFR 1.81(a), filed August 15, 2005. The petition is properly treated under 37 CFR 1.181(a).

The petition is **GRANTED**.

Background

The application was filed on August 20, 2004. On November 3, 2004, the Office of Initial Patent Examination (OIPE) mailed a Notice to File Corrected Application Papers (hereinafter "Notice"), informing Applicant that a filing date had been accorded the application; however, page 95 of the specification appeared to have been omitted from the application.

Applicant filed a petition to include page 95 among 96 pages of specification originally filed with the application on August 20, 2004. The petition was dismissed in a Decision mailed February 9, 2005. The Decision dismissing the petition did not set a time period to reply to the Decision.

On July 8, 2005, the Office of Initial Patent Examination mailed a Notice of Abandonment, indicating that the application became abandoned for failing to reply to the Decision on petition.

Analysis

Because the Decision on Petition did not include any requirement to reply to the Decision on Petition, the application is not abandoned for failing to reply to the Decision on Petition.

The holding of abandonment is hereby withdrawn.

A copy of this decision is being forwarded to the Office of Initial Patent Examination for withdrawal of the holding of abandonment.

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

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

AIR FORCE RESEARCH LABORATORY RIJ
26 ELECTRONIC PARKWAY
ROME, NY 13441-4514

MAILED

APR 09 2010

OFFICE OF PETITIONS

In re Application of
Kamal T. Jarbour
Application No. 10/922,007
Filed: August 19, 2004
Attorney Docket No. RL 10,054

ON PETITION

This is a decision on the petition under 37 CFR 1.137(a), filed January 14, 2010, to revive the above-identified application, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

Petitioner requests revival of the application from the Notice of Abandonment mailed December 8, 2009 for failure to respond to the Office action mailed March 5, 2009 be withdrawn as petitioner timely filed a response. As shown by the itemized copy of the post card receipt date stamped May 27, 2009, a reply was timely received by the USPTO, and there after misplaced. The original copy of the reply is now in the file.

In view of the granting of this decision the petition fee filed under 37 CFR 1.137(a) is being refunded to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to April M. Wise 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 3623 for appropriate action in the normal course of business on the reply received with the petition filed January 14, 2010.

/dab/
David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

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APR 26 2007

OFFICE OF PETITIONS

In Patent of:
Kenneth W. Junk, et al.
Patent No. 7,039,537
Issued: May 2, 2006
Application No. 10/922,014
Filing date: August 19, 2004

ON PETITION

This is a decision on the correspondence filed March 19, 2007 (certificate of mailing date March 14, 2007), which is being treated as a request under 37 CFR 3.81(b)[1] to correct the assignee's name by way of a certificate of correction.

The request is **DISMISSED**.

Any reconsideration petition should be submitted within two months of the mail date of this decision.

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.

Petitioner has not submitted a formal request under 37 CFR 3.81(b). More importantly, petitioner has not stated that an assignment to the desired assignee was submitted for recordation before issuance of the patent. As petitioner has failed to comply with the provisions of 37 CFR 3.81(b), the request cannot be granted at this time.

---

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

The $130.00 processing fee will be charged to deposit account no. 13-2855.

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

Inquiries concerning this decision should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

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DEC 1 2 2007

OFFICE OF PETITIONS

In Patent of:
Kenneth W. Junk, et al.
Patent No. 7,039,537
Issued: May 2, 2006
Application No. 10/922,014
Filing date: August 19, 2004

ON PETITION

This is a decision on the renewed 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 **DISMISSED**.

Any reconsideration petition should be filed within two(2) months of the mail date of this decision.

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.

Petitioner has provided a reel and frame number to show that an assignment to Fisher Controls International, LLC was recorded in parent application no. 10/006,955 prior to issuance of the above-referenced patent. However, the assignment shows Fisher Controls International, LLC as being located in St. Louis, MO, not Austin, TX, as is stated on the proposed certificate of correction. As a result of this inaccuracy in the proposed certificate of correction, the request cannot be granted at this time.

---

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

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
40l Dulany Street
Alexandria, VA 22314

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

Inquiries concerning this decision should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

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OFFICE OF PETITIONS

ON PETITION

In Patent of:
Kenneth W. Junk, et al.
Patent No. 7,039,537
Issued: May 2, 2006
Application No. 10/922,014
Filing date: August 19, 2004

This is a decision on the renewed 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 was filed on December 18, 2007.

The request is **GRANTED**.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3230. 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 with respect to the assignee information. Certificate of Correction Branch will consider the other requests to correct errors in the patent.

Inquiries concerning this decision should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Petitions Attorney
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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GREENBERG TRAURIG LLP (LA)
2450 COLORADO AVENUE, SUITE 400E
INTELLECTUAL PROPERTY DEPARTMENT
SANTA MONICA CA 90404

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FEB 02 2009

OFFICE OF PETITIONS

In re Application of

Donald T. Shannon

Application No. 10/922,018

Filed: August 19, 2004

Attorney Docket No. 79234.010100

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed January 6, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to file a proper response to the final Office action mailed March 5, 2008. The final Office action set a shortened statutory period for reply of three months from its mailing date. A response was filed on August 5, 2008, with an extension of time within the second month. An Advisory Action mailed September 2, 2008, advised that the response of August 5, 2008, failed to place the application in condition for allowance. No further responses were received and the application became abandoned on August 6, 2008. Notice of Abandonment was mailed on November 7, 2008.

The Request for Continued Examination filed January 6, 2009, is noted.

The application file is being forwarded to Technology Center 3700, GAU 3774 for further processing.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

PERKINS COIE LLP
PATENT-SEA
P.O. BOX 1247
SEATTLE, WA 98111-1247

Mail Date: 04/20/2010

Applicant	: Timothy James Kennedy	: DECISION ON REQUEST FOR
Patent Number	: 7582180	: RECALCULATION of PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/922,024	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/19/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **359** 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. 051305

JUN 28 2005

WORKMAN NYDEGGER
F/K/A WORKMAN NYDEGGER & SEELEY
60 EAST SOUTH TEMPLE
1000 EAGLE GATE TOWER
SALT LAKE CITY UT 84111

In re Application of:	:	
James R. Biard, et al	:	DECISION ON PETITION
Serial No.: 10/922,028	:	TO MAKE SPECIAL
Filed: August 19, 2004	:	
For: **IMPLANT DAMAGED OXIDE INSULATING REGION IN VERTICAL CAVITY SURFACE EMITTING LASER**	:	

This is a decision on the petition under 37 C.F.R. § 1.102(c), filed April 21, 2005, to make the above-identified application special.

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

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

The petition includes a statement from James Biard stating that he is sixty-five (65) years of age or more.

Accordingly, the petition is GRANTED.

If the examiner can make this application special without prejudice to any possible interfering applications, and s/he should make a rigid search for such, s/he is authorized to do so for the next action. Should the application be rejected, the application will not be considered special for the subsequent action unless the applicant promptly makes a bona fide effort to place the application in condition for allowance, even if it is necessary to have an interview with the examiner to accomplish this purpose.

If the examiner finds any interfering application for the same subject matter, s/he should consider such application simultaneously with this application and should state in the official letter of such application that s/he is taking it out of its turn because of possible interference.

Should an appeal be taken in this application or should this application become involved in an interference, consideration of the appeal and the interference will be expedited by all Patent and Trademark Office officials concerned, contingent likewise upon diligent prosecution by the applicant.

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

Inquiries regarding this decision should be directed to Clayton LaBalle at (571) 272-1594.

Clayton LaBalle, Special Programs Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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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
10/922,033	08/19/2004	1752	1180	88122JLT		38	4

CONFIRMATION NO. 1363

CORRECTED FILING RECEIPT

OC000000015624051

Paul A. Leipold
Patent Legal Staff
Eastman Kodak Company
343 State Street
Rochester, NY 14650-2201

Date Mailed: 03/31/2005

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

Robert E. Dickerson, Hamlin, NY;
Alphonse D. Camp, Rochester, NY;

Assignment For Published Patent Application

Eastman Kodak Company

Power of Attorney: The patent practitioners associated with Customer Number **01333**.

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 10/17/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/922,033

Projected Publication Date: 02/23/2006

Non-Publication Request: No

Early Publication Request: No

Title

Photothermographic materials with opaque crossover control means

Preliminary Class

430

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

GRANTED

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

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

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

NOT GRANTED

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

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Ronald J. Meetin
210 Central Avenue
Mountain View CA 94043-4869

MAY 1 1 2005

In re Application of: Bulucea et al
Application No. 10/922,035
Filed: August 18, 2004
Attorney Docket No. NS-4130-3D US

Decision on Petition

This is a decision on the petition filed under 37 C.F.R. § 1.48 (a) on April 12, 2005 to correct inventorship.

The petition is GRANTED.

37 C.F.R. § 1.48 Correction of inventorship in a patent application, other than a reissue application, pursuant to 35 U.S.C. 116.

(a) Nonprovisional application after oath /declaration filed . If the inventive entity is set forth in error in an executed § 1.63 oath or declaration in a nonprovisional application, and such error arose without any deceptive intention on the part of the person named as an inventor in error or on the part of the person who through error was not named as an inventor, the inventorship of the nonprovisional application may be amended to name only the actual inventor or inventors. If the nonprovisional application is involved in an interference, the amendment must comply with the requirements of this section and must be accompanied by a motion under § 1.634. Amendment of the inventorship requires:

(1) A request to correct the inventorship that sets forth the desired inventorship change;

(2) A statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part;

(3) An oath or declaration by the actual inventor or inventors as required by § 1.63 or as permitted by §§ 1.42, 1.43 or § 1.47;

(4) The processing fee set forth in § 1.17(i); and

(5) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter).

Petitioner has complied with all the above requirements by submitting the required documents in conjunction with the petition to correct inventorship.

The inventorship will be corrected to be: Constantin Bulucea, Fu-Chang Wang, Prasad Chaparala, Chih Sieh Teng, and Chin-Miin Shyu.

The application file will be forwarded to the Technical Support staff for Technology Center 2800 for entry of the correction of inventorship. Then, the application will be forwarded to the examiner for continued prosecution on the merits.

Inquiries regarding this decision should be directed to Michael Lebentritt at (571) 272-1873.

Sharon Gibson, Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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PERKINS COIE LLP
PATENT-SEA
P.O. BOX 1247
SEATTLE, WA 98111-1247

Mail Date: 04/20/2010

Applicant	: Ross S. Dando	: DECISION ON REQUEST FOR
Patent Number	: 7588804	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/922,039	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/19/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **605** 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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MAR 3 0 2009

TECHNOLOGY CENTER 2100

Katharina Wang Schuster
Sprinkle IP Law Group
1301 W. 25th Street, Suite 408
Austin, TX 78705

In re Application of:
Eric White
Application No. 10/922,041
Filed: August 19, 2004
For: System and Method for Providing a Secure Connection Between Networked Computers

DECISION GRANTING PETITION TO RESET PERIOD FOR REPLY

This is a decision on the petition filed on June 19, 2008 and January 20, 2009, requesting that the shortened statutory period for reply set forth in the Office communication mailed on March 17, 2008 be reset to run from a date on which the office action were actually mailed.

In the absence of any apparent irregularity associated with the mailing of an Office communication, the Office presumes that the communication was properly mailed to the address of record. This presumption may be overcome by showing that the Office communication was not received..

The relevant portion of MPEP § 711.03(c) states:

> The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

In support of the petition, the petitioner stated that the Office Action mailed March 17, 2008 was never received by applicants and stated applicant attempted to download the Office Action from the image File Wrapper page, however the link was not found (Exhibit B). As of June 18, 2008 the Image File Wrapper page on PAIR still did not have a link to the Office Action in electronic form (Exhibit C). On June 4 and June 18, 2008, petitioner additionally informed examiner that applicant has not received the Office Action.

For the above-stated reasons, the petition is **GRANTED**.

The Office communication will be remailed and the shortened statutory period that was originally set forth in the Office communication shall be restarted to run from the mail date of the newly supplied Office action.

Any inquiry concerning this decision should be directed to the undersigned whose telephone is (571) 272-3612.

Tod Swann
Quality Assurance Specialist
Technology Center 2400

Attachments: A copy of the March office is attached as a courtesy. The official remailing has been submitted.

Attachment a

Office Action Summary	Application No.	Applicant(s)	
	10/922,041	WHITE ET AL.	
	Examiner	Art Unit	
	JUNG KIM	2432	

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

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on 20 December 2007.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 48-72 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 48-72 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *see enclosed*.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

Attachment b

DETAILED ACTION

1. This Office action is in response to the RCE filed on 12/20/07.

2. Claims 48-72 are pending.

3. Claims 48-72 are new.

Continued Examination Under 37 CFR 1.114

4. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/20/07 has been entered.

Information Disclosure Statement

5. The IDS submitted on 10/10/07 and 12/20/07 have been considered. Initialed copies are enclosed.

Response to Arguments

6. Applicant's arguments with respect to the new claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

7. Claims 48-50, 52, 53, 56-59, 61, 62, 65-67, 69 and 70 are rejected under 35 USC 103(a) as being unpatentable over Branigan et al. US 20020090089 (hereinafter Branigan) in view of Clayton et al. US Patent Application Publication No. 20020199007. (hereinafter Clayton).

8. As per claim 48, Branigan discloses a method for establishing transient secure wireless communications between a wireless access point (WAP) and one or more client computers, comprising:

a. Sending a request from a client computer to the WAP for a secure connection to the WAP; (paragraph 17)

b. sending session-specific credentials from the WAP to the client computer; (paragraph 15: PPTP call ID; paragraph 19, username and password; session encryption key; Branigan's disclosure of a wireless access point + SB server (SB server is the access point to the wired network) is equivalent to claimed limitation of wireless access point [see fig. 5, reference no. 514 of the instant application, wherein applicant claims a wireless access point to include a wireless router (reference no. 510) and a server (reference no. 512)]; a wireless router is conventionally known in the art as a wireless access point)

c. establishing the secure connection between the client computer and the WAP using a tunneling protocol and session-specific credentials, wherein the

session-specific credentials are valid until the secure connection between the client computer and the WAP is severed. (Abstract; paragraph 19)

9. Branigan does not disclose in response to the request, sending a controller from the WAP to the client computer, wherein the controller has access to an operating system executing on the client computer; after the controller is downloaded to the client computer, configuring the tunneling protocol. Clayton discloses a method for establishing a secure connection between first and second computers with minimum manual configuration, comprising:

d. sending data from the second computer to the first computer in response to a request from the first computer, for a secure connection to the second computer, wherein the data includes a controller and session-specific information, wherein the controller is configured to have access to an operating system executing on the first computer (paragraphs 0132-0135: automatic VPN configuration and connection is established using the data from the download; either an unsolicited-input connection or solicited-input connection is established);

e. configuring a tunneling protocol resident on the first computer using the data; and establishing the secure connection using the tunneling protocol. (paragraphs 0026, 0031, 0134-0141, 0159)

10. It would be obvious to one of ordinary skill in the art at the time the invention was made for the invention of Branigan to further include the feature wherein in response to the request, sending a controller from the WAP to the client computer, wherein the

controller has access to an operating system executing on the client computer; after the controller is downloaded to the client computer, configuring the tunneling protocol. One would be motivated to do so because the invention of Clayton provides the following advantages: (1) easier and less expensive to initially install VPN and/or proxy software on a plurality of client computers; (2) easier and less expensive to install revised versions of VPN and/or proxy software on a plurality of client computers on an ongoing basis; (3) more frequent VPN and/or proxy software updates are feasible because of the ease of distributing revised versions of software according to the present invention;(4) better supervision and control of the use of VPN and/or proxy software, because the software may be distributed on-demand on an as-needed basis;(5) better accounting of the amount of actual use of VPN and/or proxy software, because the software may be distributed on-demand on an as-needed basis. (col. 6:4-16) The aforementioned cover the limitations of claim 48.

11. As per claims 49 and 50, the rejection of claim 48 under 35 USC 103(a) as being unpatentable over Branigan in view of Clayton is incorporated herein. In addition, although Branigan does not disclose sending the request from the client computer using FTP, HTTP, or HTTPS, and sending the controller and the session-specific credentials from the WAP to the client computer using FTP, HTTP, or HTTPS, (Branigan discloses generally using a network) Clayton discloses the sending steps are transmitted over the Internet. It is further notoriously well known in the art that the FTP, HTTP or HTTPS are the conventional communication protocols over the web. Official Notice is taken of this

teaching. It would be obvious to one of ordinary skill in the art at the time the invention was made to send the request from the client computer using FTP, HTTP, or HTTPS and to send the controller and the session-specific credentials from the WAP to the client computer using FTP, HTTP, or HTTPS. One would be motivated to do so because they are the standard means of communicating information over the Web. The aforementioned cover the limitations of claims 49 and 50.

12. As per claims 52 and 53, the rejection of claim 48 under 35 USC 103(a) as being unpatentable over Branigan in view of Clayton is incorporated herein. In addition, Baranigan discloses the tunneling protocol is a VPN and the VPN is IPsec, L2TP, PPTP, or MPLS (paragraph 15).

13. As per claim 56, the rejection of claim 48 under 35 USC 103(a) as being unpatentable over Branigan in view of Clayton is incorporated herein. In addition, Branigan discloses wherein the session-specific credentials include username and password. (paragraph 19)

14. As per claims 57-59, 61 and 62, they are claims corresponding to claims 48-50, 52 and 53, and they do not teach or define above the information claimed in claims 48-50, 52 and 53. Therefore, claims 57-59, 61 and 62 are rejected as being unpatentable over Branigan in view of Clayton for the same reasons set forth in the rejections of claims 48-50, 52 and 53.

15. As per claims 65-67, 69 and 70, they are claims corresponding to claims 48-50, 52 and 53, and they do not teach or define above the information claimed in claims 48-50, 52 and 53. Therefore, claims 65-67, 69 and 70 are rejected as being unpatentable over Branigan in view of Clayton for the same reasons set forth in the rejections of claims 48-50, 52 and 53.

16. Claims 54, 55, 63, 64, 71 and 72 are rejected under 35 USC 103(a) as being unpatentable over Branigan in view of Clayton and further in view of Polcha et al. US 20030217126. (hereinafter Polcha)

17. As per claims 54 and 55, the rejection of claim 48 under 35 USC 103(a) as being unpatentable over Branigan in view of Clayton is incorporated herein. Branigan nor Clayton disclose that the information sent from the WAP to the client computer comprises an IP address or host name, authentication domain name, and a DNS configuration, wherein the information comprises call-control and management protocol data, MPPC protocol data, or both. Polcha discloses a system and method for automatically configuring a remote machine to establish a VPN with the network, whereby user information is collected from a user, including user password and logon information for a dial-up adapter or the LAN to which the VPN will be connected, or both. Paragraph 0056. This data is embedded in the executable file to be downloaded to the remote user, whereby once the file is downloaded to the user, the executable file

configures the remote user, and an automatic dialing program to login via a VPN connection uses the data collected from the user. Paragraphs 0022, 0063 and 0114-0120. The executable file includes configuration data to edit the Remote Access Service files of the remote computer's operating system, including authentication credentials, location of the DNS (paragraphs 56, 57, 63) and any other information to configure a VPN, including PPTP, IPsec or L2TP. (paragraph 112) Dialer program includes parameters of how a user is going to talk to the network topology and internal validation information. (paragraphs 115 and 117) Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made for information sent from the WAP to the client computer comprises an IP address or host name, authentication domain name, and a DNS configuration, wherein the information comprises call-control and management protocol data, MPPC protocol data, or both. One would be motivated to do so to facilitate access to a network over a VPN connection using the user's security data. The aforementioned cover the limitations of claims 54 and 55.

18. As per claims 63 and 64, they are claims corresponding to claims 54 and 55, and they do not teach or define above the information claimed in claims 54 and 55. Therefore, claims 63 and 64 are rejected as being unpatentable over Branigan in view of Clayton and Polcha for the same reasons set forth in the rejections of claims 54 and 55.

19. As per claims 71 and 72, they are claims corresponding to claims 54 and 55, and they do not teach or define above the information claimed in claims 54 and 55. Therefore, claims 71 and 72 are rejected as being unpatentable over Branigan in view of Clayton and Polcha for the same reasons set forth in the rejections of claims 54 and 55.

20. Claims 51 and 60 are rejected under 35 USC 103(a) as being unpatentable over Branigan in view of Clayton, and further in view of Pfleeger Security in Computing Chapter 10. (hereinafter Pfleeger)

21. As per claims 51, the rejection of claim 48 under 35 USC 103(a) as being unpatentable over Branigan in view of Clayton is incorporated herein. In addition, Branigan discloses generating session specific credentials including a session encryption key to secure transmissions between a wireless device and the wireless access point. Although Branigan does not expressly disclose the session-specific credentials are dynamically generated in response to the request and wherein the session-specific credentials are automatically generated by the WAP using a random-seed, Pfleeger discloses a conventional means of generating a random key to be utilized as a session key and securely distributing the session key for secure communications. Pgs. 381-382, "Secure Key Distribution Protocol." This protocol requires the use of a random-seed to generate the session key. Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made wherein the

session-specific credentials are dynamically generated in response to the request and wherein the session-specific credentials are automatically generated by the WAP using a random-seed. One would be motivated to do so to establish a virtual communication channel using a session key as disclosed by Pfleeger, ibid. The aforementioned cover the limitations of claims 51.

22. As per claim 60, it is a claim corresponding to claim 51, and it does not teach or define above the information claimed in claim 51. Therefore, claim 60 is rejected as being unpatentable over Branigan in view of Clayton and Pfleeger for the same reasons set forth in the rejections of claim 51.

23. Claim 68 is rejected under 35 U.S.C. 103(a) as being unpatentable over Branigan in view of Clayton, and further in view of Capps et al. USPN 6,735,691. (hereinafter Capps)

24. As per claim 68, the rejection of claim 68 under 35 USC 103(a) as being unpatentable over Branigan in view of Clayton is incorporated herein. Clayton does not disclose the controller is an Active X controller. Capps discloses a system and method for automating migration of configuration information to a remote client wherein a configuration manager is downloaded and run on a client machine, the configuration manager being an Active X module (col. 8:23-43, especially lines 39-43). The Active X module interacts with the system resource files via the operating system of the client

computer to modify system settings and online service account information on the client machine. Hence, it would be obvious to one ordinary skill in the art at the time the invention was made for the controller to be an Active X controller. One would be motivated to do so because of the ubiquity of the Windows OS and the flexibility of using Active X on the Windows platform. The aforementioned cover the limitations of claim 68.

Communications Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JUNG KIM whose telephone number is (571)272-3804. The examiner can normally be reached on FLEX.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. 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).

/Jung Kim/

Primary Examiner, Art Unit 2432

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.
10/922,041	08/19/2004	Eric White	ION1130-1	1225

44654 7590 03/30/2009
SPRINKLE IP LAW GROUP
1301 W. 25TH STREET
SUITE 408
AUSTIN, TX 78705

EXAMINER
KIM, JUNG W

ART UNIT	PAPER NUMBER
2432	

MAIL DATE	DELIVERY MODE
03/30/2009	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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AT&T LEGAL DEPARTMENT – MOAZZAM
ATTN: PATENT DOCKETING ROOM 2A-207
ONE AT&T WAY
BEDMINSTER NJ 07921

MAILED

MAY 20 2009

OFFICE OF PETITIONS

In re Application of
Christopher A. White
Application No. 10/922,045
Filed: August 18, 2004
Attorney Docket No. CING-139

DECISION ON PETITION

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

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the nonfinal rejection mailed January 24, 2007, is accepted as having been unintentionally delayed.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

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

This application is being referred to Technology Center AU 2176 for appropriate action by the Examiner in the normal course of business on the reply received April 4, 2009

Karen Creasy
Petitions Examiner
Office of Petitions

cc:

MOAZZAM & ASSOCIATES, LLC
7601 LEWINSVILLE ROAD, SUITE 304
MCLEAN VA 22102

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

R. MICHAEL WEST
LAW OFFICES OF R. MICHAEL WEST
1922 21ST STREET
SACRAMENTO, CA 95811

MAILED

MAY 11 2010

OFFICE OF PETITIONS

In re Application of	:	
James Postma, et al	:	
Application No. 10/922,065	:	DECISION ON PETITION
Filed: August 19, 2004	:	
Attorney Docket No.	:	

This is a decision on the petition under 37 CFR 1.137(b), filed February 12, 2010, to revive the above-identified application.

The petition is **DISMISSED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, April 3, 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 4, 2008.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(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). The instant petition lacks item(s) (3) above.

With respect to item (3): The statement of unintentional delay cannot be accepted as complying with the requirements set forth under 37 CFR 1.137(3)(b). In this regard, the Statement Establishing Unintentional Delay filed with the petition dated February 12, 2010, contains a statement at item 9, which raises a question as to whether the entire delay was unintentional.

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."

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

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

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

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

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

Any questions concerning this matter may be directed to the undersigned at (571) 272-6735.

/dcg/
Diane C. Goodwyn
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

SLATER & MATSIL
17950 PRESTON RD
SUITE 1000
DALLAS, TX 75252-5793

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OCT 21 2005

OFFICE OF PETITIONS

In re Application of :
Sriram Chandrasekaran et al :
Application No. 10/922,068 : ON PETITION
Filed: August 19, 2004 :
Attorney Docket No. 04RSC01/04RSC079 :

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

The petition is GRANTED.

The above-identified application became abandoned for failure to submit the issue fee/publication fee in a timely manner in reply to the Notice of Allowance mailed March 30, 2005, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on July 1, 2005.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of issue fee/publication fee; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of Allowance of March 30, 2005 is accepted as having been unintentionally delay.

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

This matter is being referred to Publishing Division to be processed into a patent.

Wan Laymon

Wan Laymon
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20100220

DATE : February 20, 2010

TO SPE OF : ART UNIT

SUBJECT : Request for Certificate of Correction on Patent No.: 6980077

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

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - PK 3-910
Palm location **7590** - Tel. No. 305-8201

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance **Certificates of Correction Branch**

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

☒ **Approved** **All** changes apply.

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

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

Comments:

SPE: /Lincoln Donovan/ **Art Unit** 2816

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

7/29/08

Patent No. :7296024
Inventor(s) :GREGORY J. BEARY
Issued : 11/13/2007
Title : METHOD APPARATUS AND COMPUTER PROGRAM PRODUCT FOR AUTOMATICALLY MIGRATING AND MANAGING MIGRATED DATA TRANSPARENTLY TO REQUESTING APPLICATIONS
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 claim 44 line 66 col. 12 doesn't exist and printed in accordance with the record. Therefore being no fault on the Patent and Trademark Office, It has no authority to issue a certificate of correction under the provision of 1.322.

In view of the forgoing, your request in this matter, is hereby denied.

Future written correspondence concerning this matter should be filed and directed to Decisions & Certificates of Correction Branch.

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

BROOKS KUSHMAN P.C.
1000 TOWN CENTER 22ND FLOOR
SOUTHFIELD, MICHIGAN 48075-1238

HR/CBN

UNITED STATES PATENT AND TRADEMARK OFFICE

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DON J. PELTO
Sheppard, Mullin, Richter & Hampton LLP
1300 I STREET, NW
11TH FLOOR EAST
WASHINGTON DC 20005

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APR 0 8 2009

OFFICE OF PETITIONS

In re Patent No. 7,274,795 :
Issue Date: September 25, 2007 :
Application No. 10/922,107 : ON PETITION
Filed: August 20, 2004 :
Patentee: Anthony BONGIOVI :
Attorney Docket No. 14PV-129347

This is a decision on the petition filed January 2, 2009, requesting that the terminal disclaimer filed March 29, 2007 "be removed and the enclosed substitute new Terminal Disclaimer be placed in the file of the above-identified patent.", the petition is properly treated under 37 CFR 1.182.

The petition is **granted** to the extent indicated.

On March 29, 2007 petitioner filed on an acceptable Terminal Disclaimer which due to clerical error incorrectly listed patent no. 6,078,670. Petitioner seeks to "correct" the flawed terminal disclaimer by replacing it with the concurrently filed substitute Terminal Disclaimer which references the correct patent number.

The USPTO will not grant a request to withdraw or amend a recorded terminal disclaimer in an issued patent on the grounds that the rules of practice and 35 USC 253 do not include a mechanism for withdrawal or amendment of such a terminal disclaimer. See MPEP 1490; Bayer AG v. Carlsbad Technology Inc., 298 F.3d 1377, 64 USPQ2d 1045, 1048-49 (CAFC 2002). As such, the original terminal disclaimer unfortunately cannot be "removed" as petitioner requests. Nevertheless, as the newly filed, corrective Terminal Disclaimer is regular in form and is accompanied by the requisite fee, it is accepted, placed in this file, and thus has been recorded against the instant patent, as petitioner requests.

The petition fee of $400 and the terminal disclaimer fee of $70 are being charged to petitioner's deposit account no. 50-4561.

Patent No. 7,274,795

The Revocation of Power of Attorney with a New Power of Attorney filed January 2, 2009 is approved. While the new power of attorney is to Karen Canaan the correspondence address remains with Customer No. 68850 per the request.

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

David Bucci
Petitions Examiner
Office of Petitions

Cc: Shepard, Mullin, Richter & Hampton LLP
990 Marsh Road
Menlo Park, CA 94025

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DIW Mar-07

HOLLAND & KNIGHT LLP
ATTN: STEFAN V. STEIN/ IP DEPT.
POST OFFICE BOX 1288
TAMPA FL 33601-1288

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MAR 14 2007

OFFICE OF PETITIONS

In re Application of	:	
Rick Eckstein	:	
Application No. 10/922,111	:	DECISION ON PETITION
Filed: 19 August, 2004	:	
Atty Docket No. 77827.00003	:	

This is a decision on the petition filed on 14 December, 2006, under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on 13 August, 2006, for failure to timely reply to the non-final Office action mailed on 12 May, 2006, which set a three (3) month shortened period for reply. No

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

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional 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)).

extensions of time under 37 CFR 1.136(a) were obtained. The filing of the present petition precedes the mailing of Notice of Abandonment.

An amendment has been filed as the required reply.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply.[2] The three (3)-month extension request filed on 14 December, 2006, was submitted more than three (3) months after the end of the period for reply to the Office action mailed on 12 May, 2006, and therefore is unnecessary. The extension of time fee paid on 14 December, 2006, will be credited to counsel's deposit account as authorized.

This application is being referred to Technology Center 3711 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

[2] See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988).

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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
10/922,124	08/19/2004	1653	920	210121.455C22		11	2

CONFIRMATION NO. 5068

UPDATED FILING RECEIPT

OC000000015563174

00500
SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 FIFTH AVE
SUITE 6300
SEATTLE, WA 98104-7092

Date Mailed: 03/24/2005

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)

Chaitanya S. Bangur, Issaquah, WA;
Barbara K. Zehentner-Wilkinson, Poulsbo, WA;

Assignment For Published Patent Application

Corixa Corporation, Seattle, WA

Power of Attorney: The patent practitioners associated with Customer Number **00500**.

Domestic Priority data as claimed by applicant

This application is a CIP of 10/775,972 02/10/2004
which is a CIP of 10/623,155 07/17/2003
which is a CIP of 10/313,986 12/04/2002
which is a CIP of 10/117,982 04/05/2002 ABN
which is a CIP of 10/007,700 11/30/2001
which is a CIP of 09/897,778 06/28/2001 ABN
which is a CIP of 09/850,716 05/07/2001 ABN
which is a CIP of 09/735,705 12/12/2000
which is a CIP of 09/685,696 10/09/2000 ABN
which is a CIP of 09/662,786 09/15/2000 ABN
which is a CIP of 09/643,597 08/21/2000 PAT 6,426,072
which is a CIP of 09/630,940 08/02/2000 PAT 6,737,514
which is a CIP of 09/606,421 06/28/2000 PAT 6,531,315
which is a CIP of 09/542,615 04/04/2000 PAT 6,518,256
which is a CIP of 09/510,376 02/22/2000 ABN
which is a CIP of 09/480,884 01/10/2000 PAT 6,482,597

which is a CIP of 09/476,496 12/30/1999 PAT 6,706,262
which is a CIP of 09/466,396 12/17/1999 PAT 6,696,247
which is a CIP of 09/285,479 04/02/1999 PAT 6,821,518
which is a CIP of 09/221,107 12/22/1998 PAT 6,660,838
which is a CIP of 09/123,912 07/27/1998 PAT 6,312,695
which is a CIP of 09/040,802 03/18/1998 ABN

Foreign Applications

If Required, Foreign Filing License Granted: 10/06/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/922,124

Projected Publication Date: 06/30/2005

Non-Publication Request: No

Early Publication Request: No

Title

Compositions and methods for the therapy and diagnosis of lung cancer

Preliminary Class

435

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

GRANTED

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

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

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

NOT GRANTED

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

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Alexandria, VA 22313-1450
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ROGALSKY & WEYAND, LLP
P.O. BOX 44
LIVONIA, NY 14487-0044

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APR 1 8 2008

OFFICE OF PETITIONS

In re Application of	:	
Chen et al.	:	
Application No. 10/922,133	:	DECISION ON PETITION
Filed: August 19, 2004	:	
Attorney Docket No. 026.00145	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 19, 2008, to revive the above-identified application.

The petition is **GRANTED**.

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

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

The Power of Attorney and Correspondence Address Indication Form submitted on January 15, 2008 is hereby not accepted as it did not comply with 37 CFR 3.73(b). 37 CFR 3.73(b) provides that: (1) when an assignee seeks to take action in a matter before the Office, the assignee must establish its ownership of the property to the satisfaction of the Commissioner; (2) ownership is established by submitting to the Office, in the Office file related to the matter in which action is sought to be taken, documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment submitted for recording) or by specifying (*e.g.*, reel and frame number) where such evidence is recorded in the Office; (3) the submission establishing ownership must be signed by a party authorized to act on behalf of the assignee; and (4) documents submitted to establish ownership may be required to be recorded as a condition to permitting the assignee to take action in a matter pending before the Office. A Notice was mailed January 24, 2008 in this regard.

While a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed solely to the address currently of record until such time as appropriate instructions are received to the contrary.

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

This matter is being referred to Technology Center 3762 for further examination on the merits.

Liana Walsh
Petitions Examiner
Office of Petitions

cc:

WINSTEAD PC
P.O. BOX 50784
DALLAS, TX 75201

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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NOV 23 2005
OFFICE OF PETITIONS

Applicant: Rosen et al.
Appl. No.: 10/922,142
Filing Date: August 20, 2004
Title: ALBUMIN FUSION PROTEINS
Attorney Docket No.: 021751-001210US
Pub. No.: US 2005/0054051 A1
Pub. Date: March 10, 2005

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), filed on March 25, 2005, for the above-identified application

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error, in claim 1, paragraph (k), wherein "(a)-(j)" is misprinted as "(a)-(i)."

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

The error noted by requestor wherein "(a)-(j)" is misprinted as "(a)-(i) is not a material mistake under 37 CFR 1.221(b). The error is not a material mistake because it is not apparent from the Office records that the letter is a "j" and not an "i" because the underling goes through the letter, such that it is not clear.

Applicants have been advised to file applications having cleaner and larger text with sufficient clarity and contrast to permit reproduction, such as electronic reproduction by digital imaging and optical character recognition, which will avoid errors in the patent application publication process. See 37 CFR 1.52.

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

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

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

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

By facsimile: 571-273-8300

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

PAUL, HASTINGS, JANOFSKY
& WALKER LLP
875 15TH STREET, NW
WASHINGTON DC 20005

MAILED

FEB 17 2009

OFFICE OF PETITIONS

In re Application of	:	
MATHAI, Tom J. et al.	:	
Application No. 10/922,160	:	DECISION ON PETITION
Filed: August 20, 2004	:	TO WITHDRAW
Attorney Docket No. **58729.00003.DIV1**	:	FROM RECORD
	:	

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

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The 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 Martin R. Bader on behalf of all attorneys of record who are associated with customer No. 36183. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

There is an outstanding Office action mailed December 23, 2008 that requires a reply from the applicant.

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

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **TOM J. MATHAI**
88 HOWARD STREET
SUITE 1807
SAN FRANCISCO, CA 94105

cc: **STREETSPACE, INC.**
TREVOR CODDINGTON, ESQ.
3510 CALLE HIDALGO
CARLSBAD, CA 92009

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WWW.USPTO.GOV

Mailed: 9/23/05

DWW

In re Application of Lobue et al.
Serial No.: 10/922,181
Filed: August 19, 2004

DECISION ON PETITION UNDER *37 CFR 1.48(a)*

Title: APPARATUS AND METHOD FOR CONTROLLING OLEFIN POLYMERIZATION PROCESS

This is a decision on the PETITION TO CORRECT INVENTORSHIP IN A NON-PROVISIONAL PATENT APPLICATION filed June 06, 2005 to correct inventorship under 37 CFR 1.48(a) by adding the names of Edward Baxter, Jr. and Russell E. Reid, Sr. to 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(a) by (1) submitting a request to correct the inventorship that sets forth the desired inventorship change; (2) providing a statement from each person being added as an inventor that the error in inventorship occurred without deceptive intention on his or her part; (3) providing a declaration of the actual inventors as required by 37 C.F.R. § 1.63; (4) providing the processing fee set forth in 1.17(i); and, (5) providing the written consent of the assignee.

The request is **GRANTED**.

The application file is being forwarded to the appropriate section of the Patent and Trademark Office for correction of the record.

David Wu
Supervisory Patent Examiner
Art Unit 1713
Technology Center 1700

James H. Marsh, Jr.
STINSON MORRISON HECKER LLP
1201 Walnut Street
Kansas City, MO 64106-2150

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DECHERT LLP
P O BOX 10004
PALO ALTO, CA 94303

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MAY 25 2006
OFFICE OF PETITIONS

In re Application of	:
Jianbin Wu et al	:
Application No. 10/922,182	: DECISION GRANTING PETITION
Filed: August 18, 2004	: UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 372593-01203	:

This is a decision on the petition, filed May 23, 2006, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on April 13, 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 2819 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\may9\922182.wpd

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

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PERKINS COIE LLP
PATENT-SEA
P.O. BOX 1247
SEATTLE, WA 98111-1247

Mail Date: 04/20/2010

Applicant	: Mark S. Johnson	: DECISION ON REQUEST FOR
Patent Number	: 7632747	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/922,184	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/19/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **371** 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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Date Mailed : 12-22-08

Patent No.: 7,395,116 B
Patent Issued : July 1, 2008
Inventor(s): Bruce R. Mehdizadeh, et. Al.
Title: LEAD BODY-TO-CONNECTOR TRANSITION ZONE
Docket No.:
Re: Request for Certificate of Correction

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

Title page, item [54] title, it is the practice to exclude words such as "Improvements in", "New", "A", "Novel", etc., from the printed patent.

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

However, further consideration will be given upon receipt of a request for reconsideration directed to Decisions & Certificates of Correction Branch.

Eva James
For Mary Diggs
Certificate of Correction Branch
(703) 308-9390 ext. 124 or ext. 125

Medtronic, Inc.
710 Medtronic Parkway, Mail Stop LC340
Minneapolis, MN 55432

ej

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FROM DIRECTORS OFFICE

NOV 17 2004

TECHNOLOGY CENTER 3600

Elaine E. Futrell
Intriguing New Products, LLC
3788 Manchester Road
Akron, OH 44319

In re application of	:	**DECISION ON PETITION**
Howard Stanley Hale et al.	:	**TO MAKE SPECIAL**
Application No. 10/922,212	:	**(APPLICANT'S AGE)**
Filed: August 19,2004	:	
For: IGNITION SYSTEM	:	

This is a decision on the petition submitted on August 19, 2004 under 37 CFR 1.102 (c) to make the above-identified application special under the accelerated examination procedure set forth in MPEP 708.02, Section IV: Applicant's Age.

The petition is **GRANTED**.

An application may be accorded special status upon the filing of a petition providing evidence showing that the applicant is at least 65 years old. Such a showing may be provided by evidence such as a birth certificate or a statement from the applicant.

The evidence submitted with the petition is a signed declaration indicating Mr. Hale 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: 10/25/04

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LADAS & PARRY LLP
224 SOUTH MICHIGAN AVENUE, SUITE 1600
CHICAGO, IL 60604

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OFFICE OF PETITIONS

In re Application of
Hironori **KOBAYASHI**
Application No. 10/922,217
Filed: August 18, 2004
Attorney Docket No. **CU-6014**

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 September 18, 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 non-final Office action mailed, December 13, 2004, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on March 14, 2005.

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 2 years) in resuming prosecution, there is a question whether the entire delay was unintentional. Petitioner should note that the issue is not whether some of the delay was unintentional by any party; rather, the issue is whether the entire delay has been shown to the satisfaction of the Director to be unintentional.

The question under 37 CFR 1.137(b) for period (1) is whether the delay on the part of the party having the right or authority to reply to avoid abandonment (or not reply) was unintentional. Accordingly, any renewed petition must clearly identify the party having the right to reply to avoid abandonment on March 14, 2005. That party, in turn must explain what effort(s) was made to further reply to the outstanding Office action and, further, why no reply was filed. If no effort was made to further reply, then that party must explain why the delay in this application does not result from a deliberate course of action (or inaction). Statements are required from any and all person(s) having firsthand knowledge of the circumstances surrounding the lack of a reply to the outstanding Office action. As the courts have made clear, it is pointless for the USPTO to revive a long abandoned application without an adequate showing that the delay did not result from a deliberate course of action. *See* Lawman Armor v. Simon, 2005 U.S. Dist. LEXIS 10843, 74 USPQ2d 1633 (DC EMich 2005); Field Hybrids, LLC v. Toyota Motor Corp., 2005 U.S. Dist. LEXIS 1159 (D. Minn Jan. 27, 2005); Lumenyte Int'l Corp. v. Cable Lite Corp., Nos. 96-1011, 96-1077, 1996 U.S. App. LEXIS 16400, 1996 WL 383927 (Fed. Cir. July 9, 1996) (unpublished) (patents held unenforceable due to a finding of inequitable conduct in submitting an inappropriate statement that the abandonment was unintentional).

As to Period (2):

Likewise, where the applicant deliberately chooses not to seek or persist in seeking the revival of an abandoned application, or where the applicant deliberately chooses to delay seeking the revival of an abandoned application, the resulting delay in seeking revival of the abandoned application cannot be considered as "unintentional" within the meaning of 37 CFR 1.137(b). *See* MPEP 711.03(c).

The language of both 35 U.S.C. § 41(a)(7) and 37 CFR 1.137(b) are clear and unambiguous, and, furthermore, without qualification. That is, the delay in filing the reply during prosecution, as well as in filing the petition seeking revival, must have been, without qualification, "unintentional" for the reply to now be accepted on petition. The Office requires that the entire delay be at least unintentional as a prerequisite to revival of an abandoned application to prevent abuse and injury to the public. *See* H.R. Rep. No. 542, 97th Cong., 2d Sess. 7 (1982), reprinted in 1982 U.S.C.C.A.N. 771 ("[i]n order to prevent abuse and injury to the public the Commissioner . . . could require applicants to act promptly after becoming aware of the abandonment"). The December 1997 change to 37 CFR 1.137 did not create any new right to overcome an intentional delay in seeking revival, or in renewing an attempt at seeking revival, of an abandoned application. *See* Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53160 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 87 (October 21, 1997), which clearly stated that any protracted delay (here, over two years) could trigger, as here, a request for additional information. As the courts have since made clear, a protracted delay in seeking revival, as here, requires a petitioner's detailed explanation seeking to excuse the delay as opposed to USPTO acceptance of a general allegation of unintentional delay. *See* Lawman Armor v. Simon, 2005 U.S. Dist. LEXIS 10843, 74 USPQ2d 1633, at 1637-8 (DC EMich 2005); Field Hybrids, LLC v. Toyota Motor Corp., 2005 U.S. Dist. LEXIS 1159 (D. Minn Jan. 27, 2005) at *21-*23. Statements are required from any and all responsible person(s) having firsthand knowledge of the circumstances surrounding the protracted delay, after the abandonment date, in seeking revival.

As noted in MPEP 711.03(c)(II), subsection D, in instances in which such petition was not filed within 1 year of the date of abandonment of the application, applicants should include:

> (A) the date that the applicant first became aware of the abandonment of the application; and
> (B) a showing as to how the delay in discovering the abandoned status of the application occurred despite the exercise of due care or diligence on the part of the applicant.

In either instance, applicant's failure to carry the burden of proof to establish that the "entire" delay was "unavoidable" or "unintentional" may lead to the denial of a petition under 37 CFR 1.137(b), regardless of the circumstances that originally resulted in the abandonment of the application. *See also* New York University v. Autodesk, 2007 U.S. DIST LEXIS, U.S.District LEXIS 50832, *10 -*12 (S.D.N.Y. 2007)(protracted delay in seeking revival undercuts assertion of unintentional delay).

Any renewed petition may be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450

Alexandria, VA 22313-1450

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

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

Correspondence regarding this decision may also be filed through the electronic filing system of the USPTO.

To expedite consideration, petitioner may wish to contact the undersigned regarding the filing of the renewed petition under 37 CFR 1.137(b).

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

Brian W. Brown
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

LADAS & PARRY LLP
224 SOUTH MICHIGAN AVENUE, SUITE 1600
CHICAGO, IL 60604

In re Application of :
Hironori KOBAYASHI :
Application No. 10/922,217 : DECISION ON PETITION
Filed: August 18, 2004 : UNDER 37 CFR 1.137(b)
Attorney Docket No. **CU-6014** :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed April 2, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, December 13, 2004 which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on March 14, 2005.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $1500; and (3) an adequate statement of unintentional delay.

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

This application is being referred to Technology Center Art Unit 1756 for appropriate action by the Examiner in the normal course of business on the reply received.

Brian W. Brown
Petitions Examiner
Office of Petitions

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MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON, DC 20005-3096

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OFFICE OF PETITIONS

In re Application of :
Koji Hirata et al :
Application No. 10/922,225 : ON PETITION
Filed: August 20, 2004 :
Attorney Docket No. 62758-091

This is a decision on the petition, filed March 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 January 25, 2007 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This matter is being referred to Technology Center AU 2851 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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P.O. BOX 2550
SALT LAKE CITY, UT 84110

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OFFICE OF PETITIONS

In re Application of	:	
Cornelia Van Der Hoek	:	
Application No. 10/922,232	:	DECISION ON PETITION
Filed: August 18, 2004	:	TO WITHDRAW
Attorney Docket No. 294-226	:	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, 2005.

The petition is **NOT APPROVED.**

A review of the file record indicates that the power of attorney to Allen C. Turner, along with all of the other attorneys associated with the law firm of Trask Britt, has been revoked by the assignee of the patent application. Accordingly, the request to withdraw under 37 C.F.R. §1.36(b) is **moot.**

All future communications from the Office will be directed to the below-listed address of record until otherwise notified by applicant/assignee or the current attorneys of record.

This application is being referred to Technology Center AU 1648.

Telephone inquiries concerning this decision should be directed to Karen Creasy at 571-272- 3208.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

cc:

HOFFMANN & BARON, LLP
6900 JERICHO TURNPIKE
SYOSSET NY 11791

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

Mail Date: 04/21/2010

Applicant	: James M. Bing	: DECISION ON REQUEST FOR
Patent Number	: 7580817	: RECALCULATION of PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/922,253	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/19/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1195** 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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Director's Office
Group 3700

Abram Fainberg
7 Roger Williams Green
Providence, RI 02904

In re application of Abram Fainberg	:	**DECISION ON PETITION TO MAKE SPECIAL UNDER 37 CFR. 1.102(c)**
Serial Number: 10/922290 Filed: August 20, 2004	:	

For: **APPARATUS FOR COMPLETELY BATHING ONSELF BY USERS OF WHEELCHAIR AND AN ELDERLY, INFIRM PEOPLE**

This is a decision on the petition filed on August 20, 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: 1/12/05

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CARLSON, GASKEY & OLDS, P.C.
400 WEST MAPLE ROAD
SUITE 350
BIRMINGHAM, MI 48009

Mail Date: 07/06/2010

Applicant	: John Edward Cygnor	: DECISION ON REQUEST FOR
Patent Number	: 7637724	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 10/922,293	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/19/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1077** 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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DORSEY & WHITNEY LLP
INTELLECTUAL PROPERTY DEPARTMENT
Columbia Center
701 Fifth Avenue, Suite 6100
SEATTLE, WA 98104-7043

Mail Date: 04/28/2010

Applicant	: Douglas Alan Larson	: DECISION ON REQUEST FOR
Patent Number	: 7669027	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 10/922,299	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/19/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **287** 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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DARIN E. BARTHOLOMEW
PATENT DEPARTMENT
DEERE & COMPANY
ONE JOHN DEERE PLACE
MOLINE, IL 61265

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OFFICE OF PETITIONS

In re Application of	:	
GUIVARCH et al.	:	
Application No. 10/922,318	:	DECISION ON PETITIONS
Filed: August 19, 2004	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 16962-US	:	

This is a decision on the petition under 37 CFR 1.78(a)(3), filed November 7, 2005, 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/FR03/00553, filed February 19, 2003, set forth in the amendment submitted concurrently with the instant petition.

The petition is **GRANTED.**

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

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

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.

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 contained in the petition varies from the language required by 37 CFR 1.78(a)(3), the statement contained in the instant petition is being construed as the statement required by 37 CFR 1.78(a)(3). If this is not a correct interpretation, petitioner should promptly notify the Office.

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 Denise Pothier at (571) 272-4787. 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 2161 for appropriate action on the amendment filed November 7, 2005, 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.

Frances Hicks

Frances Hicks
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

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Basch & Nickerson LLP
1777 Penfield Road
Penfield, NY 14526

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OFFICE OF PETITIONS

In re Application of	:	
Robert W. Gary, et al.	:	
Application No. 10/922,335	:	DECISION ON PETITION
Filed: August 20, 2004	:	TO WITHDRAW
Attorney Docket No. 1008 017 307 0201	:	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 5, 2009.

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

A review of the file record indicates that the power of attorney to Basch & Nickerson LLP has been revoked by the assignee of the patent application on February 17, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Biophan Technologies, Inc.**
15 Schoen Place
Pittsford NY 14534

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OFFICE OF PETITIONS

WILMER CUTLER PICKERING HALE AND DORR LLP
60 STATE STREET
BOSTON MA 02109

In re Application of	:
Tamarkin et al.	:
Application No. 10/922,358	: DECISION ON PETITIONS
Filed: August 20, 2004	: UNDER 37 CFR 1.78(a)(3) AND
Attorney Docket No. 113873.130(US1)	: UNDER 37 CFR 1.78(a)(6)

This is a decision on the petition filed March 14, 2005, which is being treated as a petition under 37 CFR §§1.78(a)(3) and 1.78 (a)(6), to accept an unintentionally delayed claim under 35 U.S.C. §§ 120, 365 (c) and 119(e) for the benefit of the prior-filed applications set forth in the concurrently filed amendment.

The petition is **Dismissed**.

A petition for acceptance of a claim for late priority under 37 CFR §§1.78(a)(3) and 1.78(a)(6) and 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) and 1.78(a)(6) 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).

A reference to add the above-noted, prior filed applications in the amendment to the specification has been filed with the instant petition. However the amendment is not acceptable as drafted since it improperly incorporates by reference the prior filed application. Petitioner's attention is directed to Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980), where the court drew distinction between a permissible 35 U.S.C. §120 statement and the impermissible introduction of new matter by way of incorporation by reference in a 35 U.S.C. § 120 statement.

The Court specifically stated:

> Section 120 merely provides the mechanism whereby an application becomes entitled to benefit of the filing date of an earlier application disclosing the same subject matter. Common subject matter must be disclosed, in both applications, either specifically or by an express incorporation by reference of prior disclosed subject matter. Nothing in section 120 itself operates to carry forward any disclosure from an earlier application. *In re deSeversky*, *supra* at 674, 177 USPQ at 146-147. Section 120 contains no magical disclosure-augmenting powers able to pierce new matter barriers. It cannot, therefore "limit" the absolute and express prohibition against new matter contained in section 251.

In order for the incorporation by reference statement to be effective as a proper safeguard against the omission of a portion of a prior application, the incorporation by reference statement must be included in the specification-as-filed, or in an amendment specifically referred to in an oath or declaration executing the application. *See In re deSeversky*, *supra*. Note also MPEP 201.06(c).

Accordingly, before the petition under 37 CFR 1.78(a)(3) and (a)(6) can be granted, a substitute amendment[1] deleting the incorporation by reference statement, along with a renewed petition under 37 CFR 1.78(a)(3) and (a)(6), is required.

It is noted the specification supplied on filing did include an incorporation by reference statement to application 60/497,648. However, the incorporation by reference statement referencing the other applications is not appropriate.

It is further noted, petitioner has claimed priority to application no. 60/492,546 which does not have at least one common inventor named in the later filed applications.

In addition, the amendment filed March14, 2005 includes a reference to prior filed foreign applications. However, the reference to the foreign applications is more appropriately made in the oath or declaration or an application data sheet, and not in the first line of the specification following the title.

Lastly, the application data sheet (ADS) should not contain domestic priority in the foreign priority section.

---

[1]Note 37 CFR 1.121 and 37 CFR 1.116

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

By mail:	Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
By facsimile:	(571) 273-8300
By delivery service: FedEx, UPS, DHL, etc.)	U.S. Patent and Trademark Office Customer Service Window, Randolph Building 401 Dulany Street Alexandria, VA 22314

Any inquiries concerning this decision may be directed to Charlema R. Grant at (571) 272-3215.

Frances Hicks

Frances Hicks
Petitions Examiner
Office of Petition

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60 STATE STREET
BOSTON MA 02109

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OFFICE OF PETITIONS

In re Application of	:
Tamarkin et al.	:
Application No. 10/922,358	: DECISION ON PETITIONS
Filed: August 20, 2004	: UNDER 37 CFR 1.78(a)(3) AND (a)(6)
Attorney Docket No. 113873.130(US1)	: UNDER 37 CFR 1.55

This is a decision on the petition filed December 9, 2005, which is being treated as a petition under 37 CFR §§1.78(a)(3), 37 CFR 1.78 (a)(6), and 37 CFR 1.55(c) to accept an unintentionally delayed claim under 35 U.S.C. §§ 120, 365 (c) and 119(e) and under 35 USC §119 (a)-(d) and (f) for the benefit of prior filed foreign application as set forth in the concurrently filed application data sheet (ADS) and amendment.

The petitions are **DISMISSED**.

The ADS submitted with the instant petition improperly placed the claim for benefit to Application No. IBO/00/5527, filed October 24, 2003 under the foreign priority section which is not in compliance with 37 CFR 1.63(c)(2). Since applicants' claimed the PCT application as a domestic priority claim under 35 U.S.C. §120, petitioner must submit an ADS or executed oath/declaration that sets forth only foreign application no. 152486. Therefore, the foreign application data should be included in a substitute declaration or proper ADS in compliance with 37 CFR 1.76 as required.

Further as mentioned in the September 1, 2005 petition decision, petitioner has included the prior filed reference to the foreign application in the first line of the specification. However, the reference is more appropriately made in the oath or declaration or in a proper ADS.

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

By mail:	Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
By facsimile:	(571) 273-8300
By delivery service:	U.S. Patent and Trademark Office

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Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiries concerning this decision may be directed to Charlema R. Grant at (571) 272-3215.

Frances Hicks

Frances Hicks
Petitions Examiner
Office of Petition

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OFFICE OF PETITIONS

In re Application of
Tamarkin et al.
Application No. 10/922,358
Filed: August 20, 2004
Attorney Docket No. 113873.130(US1)

DECISION ON PETITION
UNDER 37 CFR 1.78(a)(3) & (a)(6) and
37 CFR 1.55

This is a decision on the petition filed October 2, 2006, which is being treated as a petition under 37 CFR §§1.78(a)(3), 37 CFR 1.78 (a)(6), and 37 CFR 1.55(c) to accept an unintentionally delayed claim under 35 U.S.C. §§ 120, 365 (c) and 119(e) and under 35 USC §119 (a)-(d) and (f) for the benefit of prior filed foreign application as set forth in the concurrently filed application data sheet (ADS) and amendment.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. 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.

The petition does not satisfy item (1) above.

Applicant have improperly incorporated by reference application no. 60/429,546. The reference to add the above-noted, prior-filed applications in the first sentence of the specification on page one following the title is not acceptable as drafted since it improperly incorporates by reference the prior-filed applications. An incorporation by reference statement added after an application's filing date is not effective

because no new matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 120 after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 120 is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. *See* Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note* MPEP §§ 201.06(c) and 608.04(b).

Further, the priority data provided is not consistent between the information provided in the amendment and the ADS. The Office requires that consistent priority data be provided.

If reconsideration of this decision is desired, a renewed petition under 37 CFR § 1.78(a)(3) and an Application Data Sheet or an amendment (complying with the provisions of 37 CFR 1.121 and 37 CFR 1.76(b)(5)) to correct the above matters are required.

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

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

Any questions concerning this matter may be directed to Charlema Grant at (571) 272-3215.

Anthony Knight
Supervisor
Office of Petitions

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OCT 29 2009

OFFICE OF PETITIONS

In re Application of
Tamarkin et al.
Application No. 10/922,358
Filed: August 20, 2004
Attorney Docket No. 113873.130(US1)

DECISION ON PETITION
UNDER 37 CFR 1.78(a)(3) & (a)(6) and
37 CFR 1.55

This is a decision on the renewed petitions filed September 1, 2009, which is being treated as a petition under 37 CFR §§1.78(a)(3), 37 CFR 1.78 (a)(6), and 37 CFR 1.55(c) to accept an unintentionally delayed claim under 35 U.S.C. §§ 120, 365 (c) and 119(e) and under 35 USC §119 (a)-(d) and (f) for the benefit of prior filed foreign application as set forth in the concurrently filed application data sheet (ADS) and amendment.

The petitions are **GRANTED**.

***As to the benefit claim under 37 CFR 1.78(a)(3)* and (a)(6)**:

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

(1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional The Director may require additional information where there is a question whether the delay was unintentional.

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

All the above requirements having been satisfied, the late claim for benefit of priority under 35 U.S.C. §§ 120 and 119(e) is accepted as being unintentionally delayed.

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

A petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim for priority requires:

(1) The nonprovisional application claiming the benefit of an earlier filing date must be filed on or after November 29, 2000;

(2) the claim submitted with the petition must identify the prior foreign application for which priority is claimed, as well as any foreign application for the same subject matter and having a filing date before that of the application for which priority is claimed, by the application number, country, and the filing date, and be included either in an oath or declaration (37 CFR 1.63(c)(2)) or in an Application Data Sheet (37 CFR 1.76(b)(6);

(3) the surcharge as set forth in 37 CFR 1.17(t);

(4) a statement that the entire delay between the date the claim was due under 37 CFR 1.55(a)(1) and the date the claim was filed was unintentional. (The Director may require additional information where there is a question whether the delay was unintentional); and

(5) the above-identified nonprovisional application must be filed within 12 months of the filing date of the foreign application.

All requirements being met, the petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim for priority under 35 U.S.C. § 119(a)-(d) is **GRANTED**.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR §§ 1.78(a)(3) & 1.78(a)(6) and 37 CFR 1.55(c) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. §§120 and 365(c)and 1.78(a)(1) and (a)(2) and under 35 U.S.C. §119(a)-(d) and 37 CFR 1.78(a)(1) through (a)(5) 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 the application is entitled to the benefit of the earlier filing date.

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

Any questions concerning this matter may be directed to Charlema Grant at (571) 272-3215. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 1616 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) to the prior-filed applications

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

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Any questions concerning this matter may be directed to Charlema Grant at (571) 272-3215.

Anthony Knight
Supervisor
Office of Petitions

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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
10/922,358	08/20/2004	1616	953	113873.130(US1)	73	3

CONFIRMATION NO. 3351

CORRECTED FILING RECEIPT

23483
WILMERHALE/BOSTON
60 STATE STREET
BOSTON, MA 02109

OC000000038506266

Date Mailed: 10/29/2009

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)

Dov Tamarkin, Maccabim, ISRAEL;
Doron Friedman, Karmei Yosef, ISRAEL;
Meir Eini, Ness Ziona, ISRAEL;

Assignment For Published Patent Application

Foamix Ltd., Ness Ziona, ISRAEL

Power of Attorney: The patent practitioners associated with Customer Number 23483

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/497,648 08/25/2003
and is a CIP of PCT/IB03/05527 10/24/2003
which claims benefit of 60/429,546 11/29/2002
This application 10/922,358
is a CIP of 10/911,367 08/04/2004
which claims benefit of 60/492,385 08/04/2003

Foreign Applications

ISRAEL 152486 10/25/2002

If Required, Foreign Filing License Granted: 10/26/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 10/922,358**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

Penetrating pharmaceutical foam

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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60 STATE STREET
BOSTON MA 02109

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MAR 10 2010

OFFICE OF PETITIONS

In re Application	:
Dov Tamarkin et al.	:
Application No. 10/922,358	: DECISION ON APPLICATION
Filed: August 20, 2004	: FOR PATENT TERM ADJUSTMENT
Attorney Docket No. **113873.130US1**	:

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 January 11, 2010. Applicant requests that the determination of patent term adjustment be corrected from 733 days to 1291 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 Associate Commissioner
for Patent 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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TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

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OFFICE OF PETITIONS

In re Application of	:	
LIU, Hong et al.	:	
Application No. 10/922,362	:	DECISION ON PETITION
Filed: August 18, 2004	:	TO WITHDRAW
Attorney Docket No. **021288-003410US**	:	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 09, 2007.

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

A review of the file record indicates that the power of attorney to Townsend & Townsend & Crew, LLP has been revoked by the assignee of the patent application on April 10, 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: **GENOMICS INSTITUTE OF THE**
NOVARTIS RESEARCH FOUNDATION
10675 JOHN JAY HOPKINS DRIVE, SUITE E225
SAN DIEGO, CA 92121-1127

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GEOFFREY E. DOBBIN, PATENT ATTORNEY
4278 SOUTH 6220 WEST
WEST VALLEY CITY UT 84128-6501

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OFFICE OF PETITIONS

In re Application of :
LARSEN et al. :
Application No. 10/922,375 : DECISION ON PETITION
Filed: 08/20/2004 :
Attorney Docket No. GDCAO01DD :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 16, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed June 30, 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 October 1, 2006. A Notice of Abandonment was mailed on January 29, 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 $750.00; and, (3) an appropriate 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 the undersigned at (571) 272-3211.

This application is being referred to Technology Center AU 1614 for appropriate action by the Examiner in the normal course of business on the reply received on July 16, 2007.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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SAN RAMON CA 94583-0806

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JUL 24 2007

OFFICE OF PETITIONS

In re Application of	:	
Yoon et al.	:	
Application No. 10/922413	:	DECISION ON PETITION
Filed: 08/19/2004	:	
Atty Docket No. T-6136 CIP	:	

This is a decision on the petition filed on 31 May, 2007, under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on 2 February, 2006, for failure to timely file a response to the non-final Office action mailed on 1 November, 2006, which set a three (3) month shortened statutory period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. The filing of

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

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

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

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

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

the present petition precedes the mailing of Notice of Abandonment.

Petitioners have filed an amendment in response to the non-final Office action.

It is noted that petitioners have submitted a four (4) month extension of time with the present petition. In this regard, an extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply.[2] As the extension of time filed on 31 May, 2007, was filed after the maximum extendable period for reply to the non-final Office action mailed on 1 November, 2006, the fee is unnecessary. As such, the $1,590.00 paid on 31 May, 2007, will be credited to counsel's deposit account.

This application is being forwarded to Technology Center Art Unit 1764 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

[2] See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988).

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SANTANGELO LAW OFFICES, P.C.
125 SOUTH HOWES, THIRD FLOOR
FORT COLLINS CO 80521

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OCT 0 2 2006

OFFICE OF PETITIONS

Applicant: Tagawa et al.
Appl. No.: 10/922,428
Filing Date: August 19, 2004
U.S. Patent No.: 7,069,693
Issue Date: July 4, 2006
Title: TRANSPLANT YIELD MAXIMIZATION SYSTEM FOR GROWING PLANTS
Attorney Docket No.: TGI-TRANS-USNP-Cont1
Pub. No.: US 2005/0045079 A1
Pub. Date: March 3, 2005

This is in response to the "Request for Corrected or Revised Patent Application Publication under 37 CFR 1.221(b)," which was received on May 2, 2005, for the above-identified application.

The request is DISMISSED as moot.

37 CFR 1.221(b) is applicable "only when the Office makes a material mistake which is apparent from Office records." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.[1]

Since the application has already issued as U.S. Patent No. 7,069,693 on July 4, 2006, the request is deemed moot.

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

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

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

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Zilka-Kotab, PC
P.O. Box 721120
San Jose, CA 95172-1120

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MAR 2 6 2009

OFFICE OF PETITIONS

In re Application of
Bertrand A. Damiba et al.
Application No. 10/922,433
Filed: August 19, 2004
Attorney Docket No. BVOCP031

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 8, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Kevin Zilka, Dominic M. Kotab and Ronald B. Feece, attorneys of record. All attorneys/agents have been withdrawn.

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

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R. 3.71. Accordingly, all correspondence will be mailed to address of the first signing inventor at the first copied address below, since no assignee has properly intervened in this application. A courtesy copy of this decision will be mailed to the address noted on the request. If this person(s) desire to receive future correspondence regarding this application, the proper power of attorney documents and/or a statement under 37 CFR 3.73(b) must be submitted.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Bertrand A. Damiba
550 Battery Street, #2115
San Francisco, CA 94111

cc: Leanne J. Fitzgerald
Associate General Counsel, Intellectual Property
Nuance Communications, Inc.
One Wayside Road
Burlington, MA 01803

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/922,433	08/19/2004	Bertrand A. Damiba	BVOCP031

CONFIRMATION NO. 3098

POWER OF ATTORNEY NOTICE

28875
Zilka-Kotab, PC
P.O. BOX 721120
SAN JOSE, CA 95172-1120

OC000000035182208

Date Mailed: 03/26/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/08/2009.

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

/kainabinet/

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

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OFFICE OF PETITIONS

In re Application of	:	
Norman Kanefsky	:	
Application No. 10/922,455	:	DECISION ON REQUEST
Filed: August 20, 2004	:	TO WITHDRAW
Attorney Docket No. 3006098-0001-R	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 15, 2005.

The request is **APPROVED**.

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

The request was signed by Kenneth R. DeRosa on behalf of himself and all the attorneys of record who are associated with Customer No. 22469.

All attorneys/agents associated with the Customer Number 22469 have been withdrawn. Accordingly, there is no attorney of record at this time.

All future communication from the Office will be directed to the sole inventor at the address below until otherwise properly notified by applicant. A courtesy copy of this decision is also being mailed to the address noted on the request.

There is no outstanding Office action that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to Sherry D. Brinkley at 571-272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

Conferee: Amelia Au

cc: Norman Kanefsky
425 Kennebec Road
Cherry Hill, NJ 08002

Orion Microsystems, Inc.
Two Penn Center – Suite 200
Philadelphia, PA 19102

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JUN 13 2007

OFFICE OF PETITIONS

LEVINE BAGADE HAN LLP
2483 EAST BAYSHORE ROAD
SUITE 100
PALO ALTO CA 94303

In re Application of	:	
David R. Burnett, et al.	:	
Application No. 10/922,478	:	DECISION ON PETITION
Filed: August 18, 2004	:	TO WITHDRAW
Attorney Docket No. TN 1005 - US	:	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 23, 2007.

The request is **NOT APPROVED**.

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

The Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, "[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]" More specifically, 37 CFR 10.40 states, "[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is" for one the permissive reasons listed in 37 CFR 10.40(c). The reasons set forth in the request, "the assignee requested the transfer", does not meet any of 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.

There are no pending office actions at the present time.

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

April M. Wise
Petitions Examiner
Office of Petitions

cc: LUCE, FORWARD, HAMILTON & SCRIPPS
DEL MAR GATEWAY
11988 EL CAMINO REAL
SUITE 200
SAN DIEGO, CA 92130-2592

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In re Application of :
Daniel R. Burnett, et al. :
Application No. 10/922,478 : DECISION ON PETITION
Filed: August 18, 2004 : TO WITHDRAW
Attorney Docket No. TN 1005 - US : FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed June 26, 2007.

The request is **APPROVED**.

A review of the file record indicates that Levine Bagade Han, LLP: (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, Levine Bagade Han, LLP has/have been withdrawn from the present application and may not prepare or submit papers under 37 C.F.R. § 1.34, or correspond in any manner in this application unless appointed in an acceptable power of attorney under 37 C.F.R. § 1.32(b).

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

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

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

There are no pending Office actions at the present time.

Telephone inquires concerning this decision should be directed to undersigned at 571-272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: DANIEL R. BURNETT
215 VALDEZ AVENUE
SAN FRANCISCO, CA 94127

cc: NICOLA PISANO
LUCE, FORWARD, HAMILTON & SCRIPPS, LLP
11988 EL CAMINO REAL
SUITE 200
SAN DIEGO, CA 92130

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WWW.USPTO.GOV

Paper No. None

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OFFICE OF PETITIONS

In re Application of
James Melvin Slicker et al.
Application No. 10/922,481
Filed: August 20, 2004
Attorney Docket Number: MCR-04-1
Title: MEMS SWITCH WITH BISTABLE ELEMENT HAVING STRAIGHT BEAM COMPONENTS

DECISION ON PETITION
UNDER 37 C.F.R. §1.137(b)

This is a decision on the petition, pursuant to 37 C.F.R. §1.137(b)[1], to revive the above-identified application, filed on July 12, 2005.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Missing Parts (notice), mailed October 21, 2004, which set a shortened statutory period for reply of two (2) months. No response was received, and no extensions of time under the provisions of 37 C.F.R. §1.136(a) were requested. Accordingly, the above-identified application became abandoned on January 22, 2005. A Notice of Abandonment was mailed on July 8, 2005.

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

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.

With the present petition, Petitioner has submitted the petition fee, a substitute specification, claims, an abstract, and a statement which is being interpreted as the proper statement of unintentional delay.

As such, the 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

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United States Patent and Trademark Office
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THOMPSON HINE LLP
Intellectual Property Group
P.O Box 8801
DAYTON, OH 45401-8801

Mail Date: 04/26/2010

Applicant	: David S. Miller	: DECISION ON REQUEST FOR
Patent Number	: 7597254	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 10/922,495	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/20/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **391** 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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GEORGE W. DISHONG, ESQ.
40 BRYANT RD.
JAFFREY, NH 03452

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OFFICE OF PETITIONS

In re Application of Presby :
Application No. 10/922,497 : Decision on Petition
Filing Date: August 20, 2004 :
Attorney Docket No. PY485-OTRA Yus :

This is a decision on the petition under 37 CFR 1.137(b), filed July 17, 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 December 7, 2005, 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 March 8, 2006. A Notice of Abandonment was mailed on June 28, 2006.

The instant petition requests revival of the application.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b).[1] Therefore, the petition is granted and the application is revived.

Payment for an extension of time is unnecessary when reviving an application. Therefore, the Office will schedule a refund of the $510 payment for an extension of time.

Technology Center Art Unit 1724 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

[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." To the extent any statement of delay in the petition varies from this exact language, the statement will be construed as the equivalent of the statement above.

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OFFICE OF PETITIONS

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

In re Application of	:	
LIU, Hong et al.	:	
Application No. 10/922,515	:	DECISION ON PETITION
Filed: August 18, 2004	:	TO WITHDRAW
Attorney Docket No. **021288-003510US**	:	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 09, 2007.

The request is **APPROVED**.

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

The request was signed by Joseph R. Snyder, on behalf of all attorneys of record who are associated. 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.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **HONG LIU**
6348 OLEANDER WAY
SAN DIEGO, CA 92130

cc: **EMILY TONGCO WU, PH.D.**
GENOMICS INSTITURED OF THE NOVARTIS
RESEARCH FOUNDATION
10675 JOHN JAY HOPKINS DRIVE
SAN DIEGO, CA 92121

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: X

DATE : July 18, 2008

TO SPE OF : ART UNIT 1624

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/922515 Patent No.: 7314872 B2

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

With respect to the change(s) requested to correct Office and/or Applicant's errors, should the patent read as shown in the certificate of correction attached herewith or the COCIN document(s), in IFW images for the above-identified patented application? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

If the response is for an IFW, within **7** days, please complete and forward the response, to the employee (named below) via scanning into application images, using document code **COCX**.

DO NOT SENT TO ATTORNEY

If the response is for a paper file wrapper, please complete the response and forward the response with the paper file wrapper, to the employee (named below), within **7** days, to:

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

You can fax the Directors/SPE response to 571-270-9990

LAMONTE NEWSOME
Certificates of Correction Branch
703-308-9390 ext. 112

Thank You For Your Assistance

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

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

Comments: _____

SPE

1624
Art Unit

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P.O. BOX 10395
CHICAGO, IL 60610

Mail Date: 04/21/2010

Applicant	: Yasuyuki Kawashima	: DECISION ON REQUEST FOR
Patent Number	: 7582473	: RECALCULATION of PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/922,522	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/19/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **461** 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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PATRICK G. BURNS, ESQ.
GREER, BURNS & CRAIN, LTD.
300 SOUTH WACKER DRIVE, SUITE 2500
CHICAGO, IL 60606

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OFFICE OF PETITIONS

In re Application of	:
Arhirio Takeda et al	:
Application No. 10/922,549	: DECISION GRANTING PETITION
Filed: August 20, 2004	: UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 1508.70979	:

This is a decision on the petition, filed March 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 19, 2005 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3218.

This matter is being referred to Technology Center AU 2871 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the Information Disclosure Statement.

Frances Hicks
Petitions Examiner
Office of Petitions

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

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MACPHERSON KWOK CHEN & HEID
LLP
2033 GATEWAY PLACE
SUITE 400
SAN JOSE CA 95110

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OFFICE OF PETITIONS

In re Application of

Chang, et al.

Application No. 10/922,564

Filed: August 19, 2004

Attorney Docket No. AB-1374 US

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.181(a) to withdraw the holding of abandonment, filed September 25, 2008.

The petition under 37 CFR 1.181(a) to withdraw the holding of abandonment is **granted**.

This application was held abandoned on March 2, 2007, after it was believed that no response was received to the non-final Office action mailed December 1, 2006. The non-final Office action allowed a period for reply of three months from its mailing date. Extensions of the time set for reply were available pursuant to 37 CFR 1.136(a). A Notice of Abandonment was mailed on August 8, 2008, indicating that a reply to the non-final Office action was not received.

The instant petition maintains that an amendment responsive to the non-final Office action was transmitted via facsimile on March 1, 2007. A copy of the amendment containing a certificate of transmission under 37 CFR 1.8 dated March 1, 2007, accompanied the petition.

Section 711.03(c) of the *Manual of Patent Examining Procedure* provides, in pertinent part, that:

> 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).

Ms. Saundra Carr signed the certificate of transmission under 37 CFR 1.8, but no statement of personal knowledge from Ms. Carr accompanied the petition. A copy of the facsimile transmission sheet noting that nine pages were transmitted to the USPTO on March 1, 2007, accompanied the petition. The evidence is, therefore, convincing that the amendment was timely transmitted and misplaced by the Office.

Based on the aforementioned, it appears that the application was improperly held abandoned as a proper response was received prior to expiration of the statutory period for reply. The holding of abandonment is withdrawn, accordingly. No petition fee is due.

The application file is being forwarded Technology Center 2800, GAU 2829 for further processing, including review of the amendment filed with the petition on September 25, 2008.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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CHICAGO IL 60610

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OFFICE OF PETITIONS

In re Application of
Thomas A. Osborne et al.
Application No. 10/922,567
Filed: November 22, 2004
Attorney Docket No. 8627/565

DECISION DISMISSING PETITION

This is a decision on the petition, filed November 22, 2004, under 37 CFR 1.53, requesting that the above-identified application be accorded a filing date of August 20, 2004, with the specification (including claims and abstract) and drawings (as described in the specification), as a part of the original disclosure.

The application was deposited on August 20, 2004. However, on October 27, 2004, the Office of Initial Patent Examination mailed a Notice of Incomplete Nonprovisional Application stating that the specification was missing, that the specification did not include at least one claim, that the application had been deposited without drawings, and that the filing date of the application would be the date of receipt of the specification, including at least one claim and the drawings.

In response, the instant petition was filed, asserting that the application as filed on August 20, 2004, included a complete specification and drawings. In support, petitioners submitted a copy of a postcard receipt itemizing, *inter alia*, the filing of a "Patent Application (29 Pages Including Title Page)" and "12 Drawing Sheets"..... Petitioner argues that in accordance with MPEP 503, the postcard receipt bearing an Office date stamp of August 20, 2004, referencing the above-identified application number is evidence of the filing of the specification, including at least one claim and the drawings.

The argument and evidence supplied with the petition have been carefully considered, but are not persuasive. A review of the record reveals that no specification or drawings are located among the application papers deposited August 20, 2004. Additionally, upon further review, it is noted that the postcard receipt states that the USPTO did not receive "29 Pages Including Title Page" and "12 Drawing Sheets". The notation made by a PTO employee that the 29 Pages Including Title Page and 12 Drawing Sheets identified on the postcard and the application transmittal letter were not found in the Express Mail envelope. This indicates that they were not misplaced in the PTO, since the PTO employee who opened the Express Mail envelope recognized that 29 Pages Including Title Page" and 12 Drawing Sheets were intended to be filed and found them

to be missing.

Petitioners therefore may not rely on the return postcard because the postcard reflects that the USPTO did *not* receive the specification and drawings. If a postcard receipt has been annotated to indicate that a particular item denoted on the postcard was not received by the USPTO, the postcard receipt will not serve as *prima facie* evidence of receipt of that item in the USPTO.[1] Therefore, petitioners' postcard receipt does not show receipt of the specification and drawings in the USPTO on August 20, 2004.

As the present petition was not necessitated as a result of USPTO error, the petition fee will not be refunded. It should be noted also that effective November 22, 2004, the petition fee has been increased to $400.00. Therein, deposit account no. 23-1925 has been charged in the amount of $270.00 to make up the difference between that which was paid and that which is due pursuant to 37 CFR 1.17(f). 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.

The petition is **DISMISSED**.

This matter is being referred to the Office of Initial Patent Examination for further processing with a filing date of November 22, 2004, using the specification, claims, abstract and drawings supplied with the present petition on that date.

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] MPEP 503.

10/922,568

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:

DATE : September 19, 2005

TO SPE OF : ART UNIT 2833

SUBJECT : Request for Certificate of Correction on Patent No.: 6,884,110 B1

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:

P. AUSTIN BRADLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800

Paula Bradley

SPE: Paula Bradley **Art Unit** 2833

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MAR 18 2005

In re Application of	:	
Richard H. Weaver	:	
Serial No. 10/922,588	:	DECISION ON PETITION
Filed: August 20, 2004	:	TO MAKE SPECIAL
For: NON-SKID ATTACHMENT FOR	:	
WRITING PAD	:	

Applicant's petition, filed October 22, 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

James E. Bradley
Bracewell & Patterson, LLP
P.O. Box 61389
Houston, TX 77208-1389

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/922,627	08/19/2004	Cyril Brignone	200401160-1	2669

7590 04/18/2008
HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER

ART UNIT	PAPER NUMBER
2616	

NOTIFICATION DATE	DELIVERY MODE
04/18/2008	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

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

Patent Publication Branch
Office of Data Management

Adjustment date: 04/21/2008 DTERRY
08/24/2004 SZEWDIE1 00000019 082025 10922627
02 FC:1201 172.00 CR
03 FC:1202 306.00 CR

FORM PET651G (Rev. 08/07)

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STRASBURGER & PRICE, LLP
SUITE 4300
901 MAIN STREET
DALLAS, TX 75202-3794

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OFFICE OF PETITIONS

In re Application of	:	
De Baan, Jaap	:	
Application No. 10/922,634	:	ON PETITION
Filed: August 20, 2004	:	
Attorney Docket No. 12522.0103 USPT	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed July 11, 2007, to revive the above-identified application.

The petition is **GRANTED.**

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

This matter is being referred to Technology Center 3600 for further examination on the merits.

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

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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BANNER & WITCOFF, LTD.
ATTORNEYS FOR CLIENT NOS. 003797 & 013797
1100 13th STREET, N.W.
SUITE 1200
WASHINGTON DC 20005-4051

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JUN 2 0 2008

OFFICE OF PETITIONS

In re Application of	:	
Beam et al.	:	
Application No. 10/922,635	:	DECISION ON PETITION
Filed: August 20, 2004	:	
Attorney Docket No. 003797.01278	:	

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 **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 2173 for further examination on the merits.

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Microsoft Corporation
One Microsoft Way
Redmond, WA 98052

Mail Date: 04/21/2010

Applicant	: Tyler K. Beam	: DECISION ON REQUEST FOR
Patent Number	: 7577923	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/922,635	: OF WYETH
Filed	: 08/20/2004	:
		:

The Patentee's Request for Recalculation is **DISMISSED.**

This Request is deemed ineligible for consideration for one or more of the following reasons:

(A). The patent for which PTA recalculation is requested is either a design or reissue application or is a reexamination proceeding;

(B). The patent for which PTA recalculation is requested resulted from a utility or plant application filed under 35 USC 111(a) before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(C). The patent for which PTA recalculation is requested resulted from an international application in which the international filing date was before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(D). The patent for which PTA recalculation is requested issued on/after March 2, 2010;

(E). The Request for Recalculation was filed more than 180 days after the grant date of the patent and the request was not filed within two months of a dismissal of a request for reconsideration of the of the patent term under 37 CFR 1.705(d);

(F). The Request for Recalculation is not solely limited to USPTO pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A);

or

(G). A civil action was filed pursuant to 35 U.S.C. 154(b)(4)(A)concerning the same patent at issue in this request.

Patentee may file a reply to this decision dismissing the Request for Recalculation. Patentee must file such reply within one month or thirty days, whichever is longer, of the mail date of the decision dismissing the Request for Recalculation. No fee is required if patentee is asserting in the reply that the dismissal for ineligibility is improper.

Patentee should use document code PET.OP if electronically filing a reply to this dismissal. If the USPTO finds that the request was improperly deemed ineligible, the USPTO will mail applicant a recalculation determination.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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MEDTRONIC
Attn: Noreen Johnson - IP Legal Department
2600 Sofamor Danek Drive
MEMPHIS TN 38132

9/24/09

In re Application of:
FARRIS, ROBERT A. et al
Serial No.: 10/922,640
Filed: Aug. 20, 2004
Docket: 4002-3596
Title: YMULTI-AXIAL ORTHOPEDIC DEVICE AND SYSTEM

DECISION ON PETITION

This is a decision on the petition filed on September 21, 2009 seeking withdrawal of the finality of the Office action mailed August 31, 2009. This petition is being considered pursuant to 37 CFR §1.181. No fee is required.

The petition is granted.

It is noted that the record shows that at least claim 1 was not amended in the amendment filed on March 6, 2009. Therefore, the rejection of at least claim 1 was not necessitated by the amendment filed on March 6, 2009. As such, the finality of the Office actions issued on August 31, 2009 is premature and thus the finality of the action is hereby withdrawn. The Office action mailed on August 31, 2009 will be designated as non-final Office action. The period to respond to the Office action of August 31, 2009 remains unchanged. Since the finality is being withdrawn, an amendment responding to the Office action will be treated as a 37 CFR § 1.111 amendment.

In finding petitioner's points of argument persuasive, the requested relief is granted. The finality of the last Office action mailed August 31, 2009 is hereby withdrawn. The requested relief is granted.

Any questions regarding this decision should be directed to Special Program Examiner, Henry Yuen, at 571-272-4856.

PETITION GRANTED.

Donald T. Hajec, Director
Technology Center 3700

UNITED STATES PATENT AND TRADEMARK OFFICE

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WELSH & KATZ, LTD
120 S RIVERSIDE PLAZA
22ND FLOOR
CHICAGO, IL 60606

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OFFICE OF PETITIONS

In re Application of	:	
HSU, Kuang-Wu et al.	:	
Application No. 10/922,657	:	DECISION ON PETITION
Filed: August 19, 2004	:	TO WITHDRAW
Attorney Docket No. **TAIW 871**	:	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 19, 2007.

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

A review of the file record indicates that the power of attorney to WELSH & KATZ, LTD has been revoked by the assignee of the patent application on December 05, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **RABIN & BERDO, PC**
1101 14TH STREET, NW
SUITE 500
WASHINGTON, DC 2005

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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HOLLINGSWORTH & FUNK
8500 Normandale Lake Blvd
SUITE 320
MINNEAPOLIS, MN 55437

Mail Date: 04/21/2010

Applicant	: Kent Lee	: DECISION ON REQUEST FOR
Patent Number	: 7668591	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/922,663	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/20/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1452** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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HOLLINGSWORTH & FUNK
8500 Normandale Lake Blvd
SUITE 320
MINNEAPOLIS, MN 55437

Mail Date: 05/18/2010

Applicant : Kent Lee
Patent Number : 7668591
Issue Date : 02/23/2010
Application No : 10/922,663
Filed : 08/20/2004

: NOTICE CONCERNING IMPROPER
: CALCULATION OF PATENT TERM
: ADJUSTMENT BASED UPON USPTO
: IMPROPERLY MEASURING REDUCTION
: PERIOD UNDER 37 CFR 1.704(c)(10).

The United States Patent and Trademark Office (USPTO) discovered that in processing the recent recalculation decisions mailed in response to patentee's filed Request for Recalculation of Patent Term Adjustment in view of Wyeth, the USPTO improperly measured the reduction period for reductions under 37 CFR 1.704(c)(10). Pursuant to 37 CFR 1.704(c)(10), patentee's reduction begins on the date of filing the amendment under 37 CFR 1.312 ("1.312 amendment") or other related paper and ends on the date that the Office mails a response to the filing of the 1.312 amendment or other paper. It has been discovered that during the recalculation, the calculation failed to the limit the reduction to the mail date of the response to the 1.312 amendment or other paper. Accordingly, patentee's reductions were greater than warranted.

This notice **VACATES** the previous GRANTED request for recalculation and provides patentee with a revised GRANTED recalculation.

The patent term adjustment has been determined to be **1492** 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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HEWLETT-PACKARD COMPANY
INTELLECTUAL PROPERTY ADMINISTRATOR
P.O. BOX 272400
FORT COLLINS CO 80527-2400

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OFFICE OF PETITIONS

In re Application of	:	
George H. Forman et al	:	
Application No. 10/922,694	:	DECISION ON PETITION
Filed: August 20, 2004	:	
Attorney Docket No. 200402709-1	:	

This is a decision on the petition, filed March 27, 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 nonfinal 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 28, 2009.

Petitioner asserts that the Office action dated June 26, 2008 was not received.

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

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

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

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

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

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

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

This application is being referred to the Technology Center technical support staff of Art Unit 2169 for re-mailing the Office action of June 26, 2008. The period for reply will run from the mailing date of the Office action.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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EDWARD P. DUTKIEWICZ, ESQ.
EDWARD P. DUTKIEWICZ, P.A.
640 DOUGLAS AVENUE
DUNEDIN FL 34698-7001

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MAR 2 3 2007

OFFICE OF PETITIONS

In re Application of	:	
John T. Petrick	:	
Application No. 10/922,697	:	DECISION ON PETITION
Filed: August 20, 2004	:	
Attorney Docket No. BD100/02	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 18, 2006, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue fee on or before July 20, 2006, as required by the Notice of Allowance and Fee(s) Due, mailed April 20, 2006. Accordingly, the date of abandonment of this application is July 21, 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, (2) the petition fee of $750; and (3) a proper statement of unintentional delay.

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

This application is being referred to Publishing Division for processing into a patent.

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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WOOD, HERRON & EVANS, L.L.P.
2700 CAREW TOWER
400 VINE STREET
CINCINNATI OH 45202-2917

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OFFICE OF PETITIONS

In re Application of	:
Zimmers et al.	: DECISION DISMISSING
Filed: 20 August, 2004	: PETITION FOR SUSPENSION OF
Application No. 10/922,716	: RULE
Attorney Docket No. ZIDA/02DV	:

This is a decision on the petition filed on 11 November, 2004, requesting that the above-identified application not be published pursuant to 37 CFR 1.213. The petition is properly treated as a petition requesting that the requirement of 37 CFR 1.213(a)(1) be waived or suspended pursuant to 37 CFR 1.183 in order to file a nonpublication request after the filing of the above-identified application.

The petition is dismissed.

37 CFR 1.183 provides that in an extraordinary situation, when justice requires, any requirement of regulations which is not a requirement of the statutes may be suspended or waived by the Commissioner. 35 U.S.C. 122(b) requires the United States Patent and Trademark Office (USPTO) to publish utility and plant applications filed on or after November 29, 2000, unless applicant makes a nonpublication request upon filing. The requirement that a nonpublication request must be made upon filing of the application is set forth in the statute.[1] Therefore, the USPTO does not have the authority to waive this requirement. Accordingly, the nonpublication request filed with the petition will not be recognized. A publication date of 20 January, 2005, has been scheduled for the above-identified application.

---

[1] See 35 U.S.C. 122(b)(2)(B)(i).

If applicant desires to avoid publication of the above-identified application, he may file a continuation application under 37 CFR 1.53(b) claiming benefit to the above-identified application under 35 U.S.C. 120 with a nonpublication request and, thereafter, abandon the above-identified application by filing a petition under 37 CFR 1.138(c) for express abandonment to avoid publication, including a petition fee ($130.00). This petition should be mailed to Box PGPUB-ABD or faxed to the Pre-Grant Publication Division at (703) 305-8568.

As this petition was not necessitated by an error on the part of the USPTO, the petition fee of $130.00 will be charged to counsel's deposit account, No. 23-3000.

This application is being referred to Technology Center Art Unit 2643 for examination in due course.

Telephone inquiries regarding this communication should be directed to the undersigned at 571/272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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20 JUL 2007

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

In re Application of RODRIGUEZ et al	:	
U.S. Application No.: 10/922,724	:	
PCT Application No.: PCT/US03/07580	:	
Int. Filing Date: 11 March 2003	:	DECISION
Priority Date Claimed: 11 March 2002	:	
Attorney Docket No.: 4662-78	:	
For: ENHANCED FEEDING AND GROWTH	:	
RATES OF AQUATIC ANIMALS . . .	:	

This is in response to applicant's "Request (Petition) to Issue Corrected Filing Receipt and to Correctly Identify Subject Application in the Office's Records as a National Phase Application Filed Under 35 U.S.C. 371" filed 18 July 2007, which is being treated under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 11 March 2003, applicant filed international application PCT/US03/07580, which claimed priority of an earlier United States application filed 11 March 2002. The thirty-month period for paying the basic national fee in the United States expired on 11 September 2004.

On 20 August 2004, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 15 February 2005, the USPTO mailed a Notice Regarding Benefit/Priority Claim(s), which stated that the application was being treated as an application filed under 35 U.S.C. 111(a).

On 18 July 2007, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION

A review of the application file reveals that the present application was properly identified as a U.S. national phase application under 35 U.S.C. 371. However, the application was inadvertently processed as an application filed under 35 U.S.C. 111(a).

CONCLUSION

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

The Notice Regarding Benefit/Priority Claim(s) mailed 15 February 2005 is hereby VACATED.

The application has an International Filing Date under 35 U.S.C. 363 of 11 March 2003 and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 06 December 2004.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903).

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	TOT CLMS	IND CLMS
10/922,724	08/20/2004	3644	1200	4662-78	17	2

CONFIRMATION NO. 2127

CORRECTED FILING RECEIPT

OC000000024929725

23117
NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

Date Mailed: 07/20/2007

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)

Gustavo Rodriguez, Los Mochis, MEXICO;
George Schloemer, Longmont, CO;
Victor Artola, Los Mochis, MEXICO;

Power of Attorney: The patent practitioners associated with Customer Number **23117**.

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/US03/07580 03/11/2003
which claims benefit of 60/363,661 03/11/2002

Foreign Applications

If Required, Foreign Filing License Granted: 10/20/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/922,724

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

ENHANCED FEEDING AND GROWTH RATES OF AQUATIC ANIMALS FED AN ASTAXANTHIN PRODUCT DERIVED FROM MARIGOLD EXTRACT

Preliminary Class

119

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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

GRANTED

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

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

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

NOT GRANTED

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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100 PINE STREET
P.O. BOX 1166
HARRISBURG PA 17108-1166

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FEB 1 1 2005

OFFICE OF PETITIONS

In re Application of	:	
Wang et al.	:	
Application No. 10/922,738	:	ON PETITION
Filed: August 20, 2004	:	
Attorney Docket No. 20984-0013	:	

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**.

A petition fee is not required for a submission under 37 CFR 1.28. Accordingly, only the $615.00 deficiency was collected from petitioner's deposit account.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3282.

Liana Chase

Liana Chase
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Paper No. None

Simpson & Simpson, PLLC
5555 Main Street
Williamsville NY 14221-5406

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SEP 2 0 2005

OFFICE OF PETITIONS

In re Application of
Andreas Maxon et al.
Application No. 10/922,764
Filed: August 20, 2004
Attorney Docket Number: LUKP:112US
Title: METHOD AND DEVICE FOR MONITORING THE ERRORS OF AN ELECTRONIC CONTROL UNIT OF AN AUTOMATED TRANSMISSION THAT IS SITUATED IN THE DRIVE TRAIN OF A MOTOR VEHICLE

DECISION ON PETITION UNDER 37 C.F.R. §§1.78(a)(3)

This is a decision on the petition under 37 CFR §1.78(a)(3), filed June 27, 2005, to accept an unintentionally delayed claim under 35 U.S.C. §365(c) for the benefit of priority to prior-filed PCT application PCT/DE03/04180, filed December 18, 2003 and German patent application number 102 60 870.9, filed December 23, 2002.

Petitioner has included an amendment to the specification along with this petition, and both have been presented on the same sheet of paper. For this reason, the petition cannot be accepted, pursuant to 37 C.F.R. §1.4(c), which sets forth, *in toto*:

Since different matters may be considered by different branches or sections of the United States Patent and Trademark Office, each distinct subject, inquiry or order must be contained in a separate paper to avoid confusion and delay in answering papers dealing with different subjects.

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

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[1], hand-delivery[2], or facsimile[3].

1 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450,

The general phone number for the Office of Petitions which should be used for status requests is (571) 272-3282. Telephone inquiries regarding this decision should be directed to Senior Attorney Paul Shanoski at (571) 272-3225.

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

Alexandria, VA, 22313-1450.
2 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
3 (571) 273-8300 - please note this is a central facsimile number.

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Paper No. None

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5555 Main Street
Williamsville NY 14221-5406

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OFFICE OF PETITIONS

In re Application of
Andreas Maxon et al.
Application No. 10/922,764
Filed: August 20, 2004
Attorney Docket Number: LUKP:112US
Title: METHOD AND DEVICE FOR MONITORING THE ERRORS OF AN ELECTRONIC CONTROL UNIT OF AN AUTOMATED TRANSMISSION THAT IS SITUATED IN THE DRIVE TRAIN OF A MOTOR VEHICLE

DECISION ON RENEWED PETITION UNDER 37 C.F.R. §1.78(a)(3)

This is a decision on the renewed petition under 37 CFR §1.78(a)(3), filed October 11, 2005, 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 PCT/DE03/04180, filed December 18, 2003.

It is noted in passing that Petitioner has also requested the that the Office accept an unintentionally delayed claim for the benefit of priority to prior filed German patent application number 102 60 870.9, filed December 23, 2002. This request is unnecessary since the claim for priority was timely made in the declaration as required by 37 CFR 1.63(c)(2) and within the time period provided by 37 CFR 1.55(a)(1).

The original petition was submitted on June 27, 2005 and was dismissed via the mailing of a decision on October 11, 2005, as the petition and the amendment were filed together, a practice which is not in compliance with the requirements of 37 C.F.R. §1.4(c).

The renewed petition is **GRANTED**.

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

1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

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

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

The petition complies with the requirements for a grantable petition under 37 CFR §1.78(a)(3) in that (1) a reference to the above-noted, prior-filed PCT application has been included in an amendment to the first sentence of the specification following the title, as provided by 37 CFR 1.78(a)(2)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) the petition contains a proper statement of unintentional delay. Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. §§120 and 365(c) to the above-noted, prior-filed PCT application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

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

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

This application is being forwarded to Technology Center Art Unit 3681 for appropriate action on the amendment filed with this renewed petition, including consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. §§ 120 and 365(c) to the prior-filed PCT application.

The general phone number for the Office of Petitions which should be used for status requests is (571) 272-3282. Telephone inquiries regarding this decision should be directed to Senior Attorney Paul Shanoski at (571) 272-3225.

Frances Hicks

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

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK, NJ 08933-7003

Mail Date: 05/06/2010

Applicant	: Brian J. Maroney	: DECISION ON REQUEST FOR
Patent Number	: 7611516	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 10/922,770	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/20/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1475** 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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FOLEY HOAG, LLP
PATENT GROUP, WORLD TRADE CENTER WEST
155 SEAPORT BLVD
BOSTON MA 02110

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OFFICE OF PETITIONS

In re Application of	:	
Eric Bonabeau et al.	:	
Application No. 10/922,777	:	DECISION GRANTING PETITION
Filed: August 20, 2004	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. ICO-004.01	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed September 12, 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 August 28, 2007 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 2121 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

Frances Hicks
Petitions Examiner
Office of Petitions

---

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

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600 CONGRESS AVE., SUITE 2400
AUSTIN TX 78701

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OFFICE OF PETITIONS

In re Application of	:	
VAIL, Neal K.	:	
Application No. 10/922,785	:	DECISION ON PETITION
Filed: August 20, 2004	:	TO WITHDRAW
Attorney Docket No. **SWRI:026US**	:	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 23, 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 "at assignee's instruction" does not meet any of 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 the undersigned at 571-272-7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **STEVEN J. GROSSMAN**
GROSS TUCKER PERREAULT & PFLEGER PLLC
55 SOUTH COMMERCIAL STREET
MANCHESTER, NH 03101

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201 SOUTH MAIN STREET, SUITE 1800
P. O. BOX 45898
SALT LAKE CITY UT 84111

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OFFICE OF PETITIONS

In re Application of

LARSEN, Robert K. et al.
Application No. 10/922,804
Filed: August 20, 2004
Attorney Docket No. **5125.2 P**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 17, 2007 and February 08, 2007.

The request is **NOT APPROVED**.

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

The request cannot be approved because no reasons for withdrawal have been provided. The Office cannot, at this time, determine whether practitioner's request is one of the mandatory or permissive reasons enumerated in 37 CFR 10.40. Any subsequent requests must include reasons for withdrawal. Please note that there is a space provided for on PTO/SB/83 (Request to Withdraw as Attorney or Agent) to supply practitioner's reasons.

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

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

Terri Williams
Petitions Examiner
Office of Petitions

cc: **CAO GROUP, INC.**
4628 WEST SKYHAWK DRIVE
WEST VALLEY CITY, UT 84084

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PETITION DECISION

10/28/04

Jay Sandvos
Bromberg & Sunstein LLP
125 Summer Street
Boston, MA 02110-1618

Dear Applicant:

The Box PG Pub replacement drawings for application number 10/922808 received on 10/12/04 by the U. S. Patent and Trademark Office will be included for patent publication.

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

Kaletus King

Signature of Reviewer, Office of Pre-Grant Publication

UNITED STATES PATENT AND TRADEMARK OFFICE

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BANNER & WITCOFF, LTD.
28 STATE STREET
28th FLOOR
BOSTON MA 02109-9601

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MAR 2 0 2006

OFFICE OF PETITIONS

In re Application of	:	
Gaymans, et al.	:	
Application No. 10/922,817	:	DECISION ON PETITION
Filed: August 20, 2004	:	UNDER 37 CFR 1.181
Attorney Docket No. 05032-00058	:	
For: COPOLYMER CONTAINING ONE OR MORE AMIDE SEGMENTS		

This is a decision on the petition under 37 CFR 1.181, filed February 7, 2006, to withdraw the holding of abandonment of the above-identified application.

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

This application was held abandoned due to applicants' alleged failure to reply within two months to the Notice to File Missing Parts of Nonprovisional Application, mailed October 25, 2004. The Office contended that this application became abandoned on December 26, 2004. A Notice of Abandonment was mailed on July 8, 2005.

Petitioners assert that a reply was timely received in the Office on December 1, 2004.

In support of this assertion, petitioners have provided a copy of applicants' itemized postcard receipt showing an Office of Initial Patent Examination date stamp, citing December 1, 2004 as the date of receipt, affixed thereto. The postcard lists, *inter alia*, that the filing included a response to the Notice, a signed declaration and fees. The return postcard constitutes *prima facie* evidence that the items listed thereon were received in the Office on December 1, 2004. MPEP 503.

In addition, petitioners filed the correspondence in compliance with 37 CFR 1.10. Petitioners submitted a copy of Express Mail label no. EV396914924US showing a date-in of 12/1/04 and a USPS date stamp of DEC 1 2004. The same Express Mail label number is found on the transmittal for the response to the Notice. Attorney Iwanicki states that the papers submitted with the instant petition are copies of the original correspondence.

Paragraph (e) of 37 CFR 1.10 states that:

> Any person mailing correspondence addressed as set out in 1.1(a) to the Office with sufficient postage utilizing the "Express Mail Post Office to Addressee" service of the USPS, but not received by the Office, may petition the Commissioner to consider such correspondence as 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 Commissioner, 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.

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. That is the date that verifies that the package was actually mailed. In view of the above, the evidence is convincing that the correspondence was deposited as "Express Mail" with the U.S. Postal Service on December 1, 2004. Accordingly, the petition to withdraw the holding of abandonment is granted.

After the mailing of this decision, the application file will be returned to the Office of Initial Patent Examination for further processing. The Office of Initial Patent Examination will charge the surcharge, additional claim fees, and the basic filing fee, at the fee rates in effect on December 1, 2004, to petitioners' deposit account.

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

E. Shirene Willis

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

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KAPLAN GILMAN & PERGAMENT LLP
1480 ROUTE 9 NORTH
WOODRIDGE NJ 07095

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JUL 20 2010

OFFICE OF PETITIONS

In re Application of	
Azhar HUSSAIN, et al	
Application No. 10/922,822	DECISION ON PETITION
Filed: August 19, 2004	TO WITHDRAW
Attorney Docket No. 486-2	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 7, 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 Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request cannot be approved because there is no indication that the acts noted above at Items 1 and 3 have been performed.

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.

/dcg/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

In re Patent No. 7,130,230	:
Issued: October 31, 2006	: LETTER REGARDING PTA AND
Application No. 10/922,825	: CERTIFICATE OF CORRECTION
Filed: August 20, 2004	:
Atty. Dkt. No.: 02-IND-446	:

This letter is in response to the "GOOD FAITH AND CANDOR LETTER - COMMENTS REGARDING PATENT TERM ADJUSTMENT," filed September 15, 2006. The Office thanks patentees for their good faith and candor in bringing this to our attention.

Applicants' letter is **GRANTED.** The Office will *sua sponte* issue a certificate of correction to reflect this decision. In addition, the Office will adjust the PTA calculation displayed in PAIR to reflect this decision.

The above-identified application matured into U.S. Patent No. 7,130,230 on October 31, 2006. The patent issued with a patent term adjustment (PTA) of 55 days. Patentees indicate that the adjustment of 55 days is thought to be longer than appropriate and suggest that the correct adjustment is 48 days.

A review of the application history reveals that an adjustment of 55 days can be attributed to the Office in accordance with 37 CFR 1.702(a)(1) and 1.703(a)(1).

The adjustment of 55 days is properly reduced seven days in accordance with 37 CFR 1.704(b) in connection with the RCE submitted March 21, 2006. The reduction began March 15, 2006, the day after the date that is three months after the date that the Notice of Allowance dated December 14, 2005 was mailed and ended March 21, 2006, the date the RCE was filed.

Accordingly, at the time of issuance, the patent was entitled to an adjustment of 48 days, as indicated by patentees.

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

This application file will be forwarded to the Certificate of Corrections branch for issuance of a certificate of correction to indicate that the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 48 days.

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

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

Kery Fries

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

CC: Draft Certificate of Correction
Adjusted PAIR calculation

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,130,230 B2

DATED : October 31, 2006

INVENTOR(S) : Jain et al.

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

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (55) days

Delete the phrase "by 55 days" and insert – by 48 days--

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AUG 27 2009

OFFICE OF PETITIONS

WILMERHALE/BOSTON
60 STATE STREET
BOSTON, MA 02109

In re Application of :
Tweed, et al. :
Application No. 10/922,826 : ON APPLICATION FOR
Filed: August 20, 2004 : PATENT TERM ADJUSTMENT
Atty Docket No. 112591.121(US2):

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 July 17, 2009. Applicants submit that the correct patent term adjustment to be indicated on the patent is a minimum of one thousand three hundred four (1,304) days, not eight hundred seventy-five (875) days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicants request this correction solely on the basis that the Office will take in excess of three years to issue this patent.

As the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE**.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See § 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office can not make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is appropriate to dismiss as premature such a request.

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicant is advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicant must timely file an application for patent term adjustment prior to the payment of the issue fee[1].

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e) for consideration of the application for patent term adjustment under 37 CFR 1.705(b).

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months after issuance pursuant to 37 CFR 1.705(d) and must include payment of the required fee under 37 CFR 1.18(e).

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[1] For example, if applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the §1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.

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

Telephone inquiries specific to this decision should be directed to Kenya A. McLaughlin, Petitions Attorney, at (571) 272-3222.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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United States Patent and Trademark Office
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WILMERHALE/BOSTON
60 STATE STREET
BOSTON, MA 02109

Mail Date: 04/20/2010

Applicant	: David Tweed	: DECISION ON REQUEST FOR
Patent Number	: 7601123	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/922,826	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/20/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1392** 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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SUGHRUE MION PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

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OFFICE OF PETITIONS

In re Application of	:
Kouji Sato et al	:
Application No. 10/922,832	: DECISION GRANTING PETITION
Filed: August 23, 2004	: UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. Q83245	:

This is a decision on the petition, filed February 8, 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 5, 2006 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3218.

This matter is being referred to Technology Center AU 1624 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 Issue Fee Transmittal Form PTOL-85(b) (along with any balance due at the time of payment), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form* **must** *be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).*

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June 25, 2007

Kia Silverbrook
SILVERBROOK RESEARCH PTY LTD.
393 Darling Street
Balmain NSW 2041
AUSTRALIA

Patent No.: 7195328 B2
Application No.: 10/922846
Inventor(s): **Kia Silverbrook**
Issued: **March 27, 2007**
Title: **SYMMETRIC NOZZLE ARRANGEMENT**

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 Cecelia Newman
Decisions & Certificate of Correction Branch
(703) 305-8309 or (703) **308-9390 ext 113**

vt

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

Mail Date: 04/20/2010

Applicant	: James R. Wood	: DECISION ON REQUEST FOR
Patent Number	: 7638006	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/922,866	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/23/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **909** 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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SILVERBROOK RESEARCH PTY LTD
393 DARLING STREET
BALMAIN 2041 AU AUSTRALIA

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JAN 0 3 2005

OFFICE OF PETITIONS

In re Application of	:
Kia Silverbrook	:
Application No. 10/922,871	: DECISION DISMISSING
Filed: August 23, 2004	: PETITION
Attorney Docket No: JUM017US	:

This is a decision on the petition filed November 12, 2004, in response to the Notice of Omitted Items mailed October 22, 2004. The petition is being treated under 37 CFR 1.182.

On August 23, 2004 the application was filed.

On October 22, 2004, the Office of Initial Patent Examination (OIPE) mailed a Notice of Omitted Items stating that while the application had been accorded a filing date of August 23, 2004, it appeared that Figures 115-117, as described in the specification, appeared to have been omitted from the application.

In response, petitioners argue that a complete application was present on August 23, 2004, and while petitioners request that the application be accorded a filing date of August 23, 2004, with Figures 115-117 as a part of the original disclosure, no corroborating evidence has been submitted.

The USPTO has a well-established and well-publicized practice of providing a receipt for papers filed in the USPTO to any applicant desiring a receipt. The practice requires that any paper for which a receipt is desired be filed in the USPTO with a self-addressed postcard identifying the paper. A postcard receipt which itemizes and properly identifies the papers which are being filed serves as prima facie evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO. See section 503, Manual of Patent Examining Procedure (MPEP 503).

The petition is DISMISSED.

The copy of Figures 115-117 supplied with the present petition will not be used for processing or examination, but will be retained in the application file. Petitioner may file Figures 115-117 as a preliminary amendment. If Figures 115-117 are filed as a

preliminary amendment, the amendment will be reviewed for new matter.

As the evidence presented is not sufficient to prove that Figures 115-117 were filed with the application when filed, the evidence is insufficient to show that the error was committed by the USPTO and thus, the petition fee will not be refunded.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of August 23, 2004, using only the application papers filed on that date and not the copy of Figures 115-117 submitted with the petition.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

In re Application of
Kia Silverbrook
Application No. 10/922,871
Filed: November 12, 2004
Attorney Docket No: JUM017US

DECISION ON PETITION

This is a decision on the request for reconsideration filed February 24, 2005, in response to the decision mailed January 3, 2005, dismissing the petition under 37 CFR 1.182 filed November 12, 2004.

On August 23, 2004 the application was filed. On October 22, 2004, the Office of Initial Patent Examination (OIPE) mailed a Notice of Omitted Items stating that while the application had been accorded a filing date of August 23, 2004, it appeared that Figures 115-117, as described in the specification, appeared to have been omitted from the application. In response, petitioners argued that a complete application was present on August 23, 2004, and while petitioners request that the application be accorded a filing date of August 23, 2004, with Figures 115-117 as a part of the original disclosure, no corroborating evidence was submitted.

Petitioners have opted to accept the date of the submission of the omitted drawings, November 12, 2004 as the filing date and have submitted a new oath or declaration in compliance with 37 CFR 1.63 and 1.64 covering the newly submitted items. The petition therefore is **GRANTED**. In accordance with applicant's request, the application will be processed and examined with a filing date of November 12, 2004.

The additional petition fees submitted with the request for reconsideration are not required and will be refunded in due course.

The application is being returned to the Office of Initial Patent Examination for reprocessing with a filing date of November 12, 2004 using the application papers filed on that date and the papers filed on August 23, 2004.

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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393 DARLING STREET
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OFFICE OF PETITIONS

In re Application of	:	
Kia Silverbrook	:	
Application No. 10/922,871	:	DECISION ON PETITION
Filed: 08/23/2004	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. JUM017US	:	

This is a decision on the petition under 37 CFR 1.78(a)(3), filed March 5, 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.

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 the undersigned at (571) 272-3211. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 2853 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.

Christina Tartera Donnell

Christina Tartera Donnell
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
10/922,871	08/23/2004	2853	2912	JUM017US	139	1

CONFIRMATION NO. 4536

CORRECTED FILING RECEIPT

OC000000025695747

24011
SILVERBROOK RESEARCH PTY LTD
393 DARLING STREET
BALMAIN, 2041
AUSTRALIA

Date Mailed: 09/06/2007

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)

Kia Silverbrook, Balmain, AUSTRALIA;

Assignment For Published Patent Application

Silverbrook Research Pty Ltd

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a CIP of 10/407,212 04/07/2003
which is a CON of 09/113,122 07/10/1998 PAT 6,557,977

Foreign Applications

AUSTRALIA PO8004 07/15/1997
AUSTRALIA PO7991 07/15/1997

If Required, Foreign Filing License Granted: 10/20/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/922,871

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Inkjet printhead with integral nozzle plate

Preliminary Class

347

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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

GRANTED

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

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

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

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

NOT GRANTED

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

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In re Application of	:	
Silverbrook	:	
Application No. 10/922,872	:	DECISION ON PETITION
Filed: August 23, 2004	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. JUM023US	:	

This is a decision on the petition under 37 CFR 1.78(a)(3), filed November 22, 2006, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the amendment filed with the petition.

A petition is required for only Application No. 09/113,122. While a reference to both prior-filed nonprovisional applications as referenced in the amendment filed on November 22, 2006 was not included in an Application Data Sheet (ADS) or in the first sentence of the specification following the title as required by the rules, a reference to 10/407,212, nevertheless, was made in the transmittal letter filed with the application.

Where a claim for priority under 37 CFR § 1.78(a)(3) is not included in the first sentence of the specification or in an ADS but does appear either in the oath or declaration or a transmittal letter filed with the application and the Office notes the claim for priority, no petition will be required to accept a late claim for priority. This is because the application would have been scheduled for publication on the basis of the information concerning the claim submitted elsewhere in the application within the time period set forth in 37 CFR § 1.78(a)(2)(ii). The Office noticed the claim for priority to Application No. 10/407,212 in the transmittal letter, as shown by its inclusion on the original filing receipt for this application. Therefore, a petition under 37 CFR 1.78(a)(3) is required for Application No. 09/113,122 only.

The petition is **GRANTED**.

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

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

(2) the surcharge set forth in § 1.17(t); and

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

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 120 is accepted as being unintentionally delayed.

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

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

Any inquiries concerning this decision may be directed to 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 2853 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 DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
10/922,872	08/23/2004	2853	2912	JUM023US	139	1

CONFIRMATION NO. 4538

CORRECTED FILING RECEIPT

24011
SILVERBROOK RESEARCH PTY LTD
393 DARLING STREET
BALMAIN, 2041
AUSTRALIA

OC000000026491558

Date Mailed: 10/29/2007

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)

Kia Silverbrook, Balmain, AUSTRALIA;

Assignment For Published Patent Application

Silverbrook Research Pty Ltd

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a CIP of 10/407,212 04/07/2003
which is a CON of 09/113,122 07/10/1998 PAT 6,557,977

Foreign Applications

AUSTRALIA PO8004 07/15/1997
AUSTRALIA PO7991 07/15/1997

If Required, Foreign Filing License Granted: 10/19/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 10/922,872**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Inkjet nozzle with resiliently biased ejection actuator

Preliminary Class

347

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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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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393 DARLING STREET
BALMAIN 2041 AU
AUSTRALIA

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FEB 21 2007

OFFICE OF PETITIONS

In re Application of Silverbrook :
Application No. 10/922,873 : DECISION ON PETITION
Filing Date: August 23, 2004 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. JUM016US :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed September 14, 2006, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the amendment filed 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 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 application, accompanies this decision on petition.

This application is being forwarded to Technology Center Art Unit 2853 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.

Any inquiries concerning this decision may be directed to Senior Petitions Attorney Steven Brantley at (571) 272-3203. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

Charles Steven Brantley
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	DRAWINGS	TOT CLMS	IND CLMS
10/922,873	08/23/2004	2853	2912	JUM016US	564	139	1

CONFIRMATION NO. 4781
CORRECTED FILING RECEIPT
OC000000022562423
OC000000022562423

24011
SILVERBROOK RESEARCH PTY LTD
393 DARLING STREET
BALMAIN, 2041
AUSTRALIA

Date Mailed: 02/20/2007

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)

Kia Silverbrook, Balmain, AUSTRALIA;

Assignment For Published Patent Application

Silverbrook Research Pty Ltd

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a CIP of 10/407,212 04/07/2003
which is a CON of 09/113,122 07/10/1998 PAT 6,557,977

Foreign Applications

AUSTRALIA PO8004 07/15/1997
AUSTRALIA PO7991 07/15/1997

If Required, Foreign Filing License Granted: 10/21/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is
US10/922,873

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Inkjet nozzle with CMOS compatible actuator voltage

Preliminary Class

347

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

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

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BALMAIN 2041 AU AUSTRALIA

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JUN 18 2007

OFFICE OF PETITIONS

In re Application of
KIA SILVERBROOK
Application No. 10/922,874
Filed: 08/23/2004
Attorney Docket No. JUM015US

: 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 8, 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.

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 the undersigned at (571) 272-3211. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 2853 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.

Christina Tartera Donnell

Christina Tartera Donnell
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
10/922,874	08/23/2004	2853	2912	JUM015US	139	1

CONFIRMATION NO. 4776

CORRECTED FILING RECEIPT

OC000000024400464

24011
SILVERBROOK RESEARCH PTY LTD
393 DARLING STREET
BALMAIN, 2041
AUSTRALIA

Date Mailed: 06/18/2007

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)

Kia Silverbrook, Balmain, AUSTRALIA;

Assignment For Published Patent Application

Silverbrook Research Pty Ltd

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a CIP of 10/407,212 04/07/2003
which is a CON of 09/113,122 07/10/1998 PAT 6,557,977

Foreign Applications

AUSTRALIA PO8004 07/15/1997
AUSTRALIA PO7991 07/15/1997

If Required, Foreign Filing License Granted: 10/22/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/922,874

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Inkjet nozzle chamber with single inlet and plurality of nozzles

Preliminary Class

347

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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Title 37, Code of Federal Regulations, 5.11 & 5.15

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date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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JUN 2 2 2007

OFFICE OF PETITIONS

In re Application of	:	
KIA SILVERBROOK	:	
Application No. 10/922,874	:	ON PETITION
Filed: 08/23/2004	:	
Attorney Docket No. JUM015US	:	

This is a corrected decision on the petition under 37 CFR 1.78(a)(3), filed January 8, 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 **dismissed**.

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

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

The instant petition does not satisfy requirement (1) above.

The reference required by 37 CFR 1.78(a)(2) or (a)(5) must be included in an ADS or the specification must contain or be amended to contain such reference in the first sentence following the title. The amendment submitted does not amend the specification to contain the reference in the first sentence following the title.

In view of the above, the decision granting the petition under 37 CFR 1.78(a)(3) and the corrected filing receipt dated June 18, 2007, were mailed in error. Before the petition under 37 CFR 1.78(a)(3) can be granted, a renewed petition and either a Supplemental Application Data Sheet (signed in compliance with 37 CFR 1.33(b) and in compliance with 37 CFR 1.76) or a substitute amendment (complying with the provisions of 37 CFR 1.121) to correct the above matters are required.

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

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

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

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

Any questions concerning this matter may be directed to undersigned at (571) 272-3211.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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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	TOT CLMS	IND CLMS
10/922,874	08/23/2004	2853	2912	JUM015US	139	1

CONFIRMATION NO. 4776

CORRECTED FILING RECEIPT

OC000000024489872

24011
SILVERBROOK RESEARCH PTY LTD
393 DARLING STREET
BALMAIN, 2041
AUSTRALIA

Date Mailed: 06/22/2007

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)

Kia Silverbrook, Balmain, AUSTRALIA;

Assignment For Published Patent Application

Silverbrook Research Pty Ltd

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a CIP of 10/407,212 04/07/2003

Foreign Applications

AUSTRALIA PO8004 07/15/1997
AUSTRALIA PO7991 07/15/1997

If Required, Foreign Filing License Granted: 10/22/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/922,874

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Inkjet nozzle chamber with single inlet and plurality of nozzles

Preliminary Class

347

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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

GRANTED

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

under 37 CFR 5.13 or 5.14.

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

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

NOT GRANTED

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

DATE: 7/25/07 APPLICATION NUMBER: 10/922,874

DOC CODE: Pet. Dec. TC DOC DATE: 7/26/07

DELIVER THE ATTACHED FILE/DOCUMENT TO THE TC SCANNIG CENETER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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www.uspto.gov

SILVERBROOK RESEARCH PTY LTD
393 DARLING STREET
BALMAIN 2041 AU AUSTRALIA

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JUL 26 2007

OFFICE OF PETITIONS

In re Application of	:	
KIA SILVERBROOK	:	
Application No. 10/922,874	:	DECISION ON PETITION
Filed: 08/23/2004	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. JUM015US	:	

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed July 11, 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;[1]

(2) the surcharge set forth in § 1.17(t); and

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

[1] The specific reference required under 37 CFR 1.78(a)(2)(i) should be set forth in a separate paragraph in the first sentence after the title, before any foreign priority claims to identification of related applications. The cross-reference to related applications should be set forth in a subsequent and separate paragraph.

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 the undersigned at (571) 272-3211. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 2853 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.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
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	TOT CLMS	IND CLMS
10/922,874	08/23/2004	2853	2912	JUM015US	139	1

CONFIRMATION NO. 4776

CORRECTED FILING RECEIPT

OC000000025029319

24011
SILVERBROOK RESEARCH PTY LTD
393 DARLING STREET
BALMAIN, 2041
AUSTRALIA

Date Mailed: 07/26/2007

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)

Kia Silverbrook, Balmain, AUSTRALIA;

Assignment For Published Patent Application

Silverbrook Research Pty Ltd

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a CIP of 10/407,212 04/07/2003
which is a CIP of 09/113,122 07/10/1998 PAT 6,557,977

Foreign Applications

AUSTRALIA PO8004 07/15/1997
AUSTRALIA PO7991 07/15/1997

If Required, Foreign Filing License Granted: 10/22/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/922,874

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Inkjet nozzle chamber with single inlet and plurality of nozzles

Preliminary Class

347

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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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

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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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AUSTRALIA

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FEB 2 1 2007

OFFICE OF PETITIONS

In re Application of Silverbrook	:	
Application No. 10/922,875	:	Decision Dismissing Petition
Filing Date: August 23, 2004	:	Under 37 CFR 1.78(a)(3)
Attorney Docket No. JUM008US	:	

This is a decision on the petition under 37 CFR 1.78(a)(3), filed September 18, 2006, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to a prior-filed nonprovisional application.

The petition is **DISMISSED**

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

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

The petition does not satisfy item (1) above. The petition is not accompanied by an amendment or ADS adding the priority claim.

The Office notes an amendment adding the claim was previously filed March 28, 2005. However, the amendment filed on that date is not acceptable as drafted since it improperly incorporates by reference prior-filed applications.

An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 120 after the filing date of the application, the amendment is not proper. When a benefit claim under 35 U.S.C. § 120 is submitted after the

filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. *See* Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note* MPEP §§ 201.06(c) and 608.04(b).

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

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

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

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

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

Any questions concerning this matter may be directed to 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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SEP 21 2007

OFFICE OF PETITIONS

In re Application of Silverbrook	:	
Application No. 10/922,875	:	Decision Granting Petition
Filing Date: August 23, 2004	:	Under 37 CFR 1.78(a)(3)
Attorney Docket No. JUM008US	:	

This is a decision on the petition under 37 CFR 1.78(a)(3), filed March 5, 2007, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to prior-filed nonprovisional applications.

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 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.

This application is being forwarded to Technology Center Art Unit 2853 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.

Any inquiries concerning this decision may be directed to Senior Petitions Attorney Steven Brantley at (571) 272-3203. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

Charles Steven Brantley
Senior Petitions Attorney
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	TOT CLMS	IND CLMS
10/922,875	08/23/2004	2853	1562	JUM008US	64	1

CONFIRMATION NO. 4531

CORRECTED FILING RECEIPT

OC000000025888235

24011
SILVERBROOK RESEARCH PTY LTD
393 DARLING STREET
BALMAIN, 2041
AUSTRALIA

Date Mailed: 09/18/2007

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)

Kia Silverbrook, Balmain, AUSTRALIA;

Assignment For Published Patent Application

Silverbrook Research Pty Ltd

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a CIP of 10/407,212 04/07/2003
which is a CIP of 09/113,122 07/10/1998 PAT 6,557,977

Foreign Applications

AUSTRALIA PO8004 07/15/1997
AUSTRALIA PO7991 07/15/1997

If Required, Foreign Filing License Granted: 10/25/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/922,875

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Inkjet nozzle chamber with electrostatically attracted plates

Preliminary Class

347

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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

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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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AUSTRALIA

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DEC 0 7 2004

OFFICE OF PETITIONS

In re Application of	:	
Kia Silverbrook	:	
Application No. 10/922,876	:	ON PETITION
Filed: August 23, 2004	:	
Attorney Docket No. JUM024US	:	

This is a decision on papers styled, "Reply To Notice To File Corrected Application Papes," filed on November 12, 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 August 23, 2004, including Figures 427 and 428 described in the specification.

The application was submitted on August 23, 2004. However, on October 20, 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 Figures 427 and 428 described in the specification appear to have been omitted.

In response, on November 12, 2004, the instant petition and a copy of Figures 427 and 428 described in the specification were filed.

Petitioner states, "The Applicant ... maintains that drawing page 194, Figures 427 and 428, was timely filed." The declaration by Leonie Francis News states, "I have searched through my file of the Patent Application and confirm that the duplicate copy of papers sent to the USPTO contains Figures 427 and 428. Therefore I respectfully submit that this page was also included in the formal drawing sent to the USPTO via Fedex on August 19, 2004."

The statement has been considered, but is not persuasive. The Patent and Trademark Office (Office) file is the official record of the papers originally filed in this application. A review of the official file reveals Figures 427 and 428 were omitted.

Figures 427 and 428 were not filed on August 23, 2004, since no such Figures are present in the file. An applicant alleging that a paper was filed in the Office and later misplaced has the burden of proving the allegation by a preponderance of the evidence. The fact that petitioner's copy of the application contains the omitted items is not more probative than the official file record of what was actually filed on August 23, 2004, which does not contain Figures 427 and 428.

The Office has a well established and well publicized practice of providing a receipt for papers filed in the Office to any applicant desiring a receipt. The practice requires that any paper for which a receipt is desired be filed in the Office with a self-addressed postcard identifying the paper. A postcard receipt which itemizes and properly identifies the papers which are being filed serves as prima facie evidence of receipt in the Office of all the items listed thereon on the date stamped thereon by the Office. See MPEP 503.

A copy of a postcard receipt that would indicate receipt of Figures 427 and 428 on August 23, 2004 has not been submitted. If petitioner has a postcard receipt date stamped by the Office that indicates receipt of Figures 427 and 428 on August 23, 2004, then the postcard receipt or a copy thereof should be supplied.

At the present time, the petition must be dismissed. However, this decision is made without prejudice to reconsideration. If petitioner has a postcard receipt date stamped by the Office that indicates receipt of Figures 427 and 428 on August 23, 2004, then the postcard receipt or a copy thereof should be supplied, accompanied by a letter requesting reconsideration of this decision. No additional petition fee is required for such a request.

Any request for reconsideration should be filed within **TWO MONTHS** of the date of this decision in order to be considered timely. This time period may not be extended pursuant to 37 CFR 1.136.

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

By mail: Mail Stop Petition
Commissioner for Patents
Box 1450
Alexandria, VA 22313

By FAX: (703) 872-9306
Attn: Office of Petitions

By hand: Customer Service Window
2011 South Clark Place
Crystal Plaza Two (left side entrance of building)
Arlington, VA

The application is shall retain the August 23, 2004 filing date, consisting of only the application papers filed on that date. Petitioner may also choose to accept the later filing date of November 12, 2004, the date of receipt of the omitted items. If petitioner wishes to accept the later filing date, petitioner should submit a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to the omitted item and a petition under 27 CFR 1.182 (with petition fee (37 CFR 1.17(h)) requesting the later filing date.

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

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MAR 0 2 2007

OFFICE OF PETITIONS

In re Application of Silverbrook :
Application No. 10/922,876 : Decision Dismissing Petition
Filing Date: August 23, 2004 : Under 37 CFR 1.78(a)(3)
Attorney Docket No. JUM024US :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed October 2, 2006, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to a prior-filed nonprovisional application.

The petition is **DISMISSED**

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

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

The petition does not satisfy item (1) above. The petition is not accompanied by an amendment or ADS adding the priority claim.

The Office notes an amendment adding the claim was previously filed March 27, 2005. However, the amendment filed on that date is not acceptable as drafted since it improperly incorporates by reference prior-filed applications.

An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 120 after the filing date of the application, the amendment is not proper. When a benefit claim under 35 U.S.C. § 120 is submitted after the

filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. *See* Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note* MPEP §§ 201.06(c) and 608.04(b).

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

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

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Post Office Box 1450
Alexandria, VA 22313-1450

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

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

Any questions concerning this matter may be directed to Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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JUL 24 2007

OFFICE OF PETITIONS

In re Application of Silverbrook	:	
Application No. 10/922,876	:	Decision Granting Petition
Filing Date: August 23, 2004	:	Under 37 CFR 1.78(a)(3)
Attorney Docket No. JUM024US	:	

This is a decision on the petition under 37 CFR 1.78(a)(3), filed March 14, 2007, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to prior-filed nonprovisional applications.

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 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.

This application is being forwarded to Technology Center Art Unit 2853 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.

Any inquiries concerning this decision may be directed to Senior Petitions Attorney Steven Brantley at (571) 272-3203. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

Charles Steven 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
10/922,876	11/12/2004	2853	2912	JUM024US	139	1

CONFIRMATION NO. 4533

CORRECTED FILING RECEIPT

OC000000024982159

24011
SILVERBROOK RESEARCH PTY LTD
393 DARLING STREET
BALMAIN, 2041
AUSTRALIA

Date Mailed: 07/24/2007

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)

Kia Silverbrook, Balmain, AUSTRALIA;

Assignment For Published Patent Application

Silverbrook Research Pty Ltd

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a CIP of 10/407,212 04/07/2003
which is a CON of 09/113,122 07/10/1998 PAT 6,557,977

Foreign Applications

AUSTRALIA PO8004 07/15/1997
AUSTRALIA PO7991 07/15/1997

If Required, Foreign Filing License Granted: 10/19/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/922,876

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Inkjet chamber with ejection actuator between inlet and nozzle

Preliminary Class

347

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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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

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

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

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

NOT GRANTED

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

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OFFICE OF PETITIONS

In re Application of	:
Kia Silverbrook	:
Application No. 10/922,877	: DECISION ON PETITION
Filed: August 23, 2004	: UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. JUM026UA	:

This is a decision on the petition under 37 CFR 1.78(a)(3) filed January 5, 2006, to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of prior-filed non-provisional application 09/113,122.

The petition is **DISMISSED**.

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

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

The instant petition does not satisfy requirement (1) above.

The reference required by 37 CFR 1.78(a)(2) or (a)(5) must be included in an ADS or the specification must contain or be amended to contain such reference in the first sentence(s) following the title. The amendment submitted does not amend the specification to contain the reference in the first sentence following the title.

Before the petition under 37 CFR § 1.78(a)(3) can be granted, a renewed petition and either a Supplemental Application Data Sheet (signed in compliance with 37 CFR 1.33(b) and in compliance with 37 CFR 1.76) or a substitute amendment (complying with the provisions of 37 CFR 1.121) to correct the above matters are required.

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

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Alexandria, VA 22313-1450

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

Any inquiries concerning this decision may be directed to Senior Petitions Attorney Patricia Faison-Ball at (571) 272-3212.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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AUG 10 2007

OFFICE OF PETITIONS

In re Application of	:
Kia Silverbrook	:
Application No. 10/922,877	: DECISION ON PETITION
Filed: August 23, 2004	: UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. JUM026UA	:

This is a decision on the renewed petition under 37 CFR 1.78(a)(3) filed July 9, 2007, to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of prior-filed non-provisional application 09/113,122.

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 amendment submitted with the petition filed January 5, 2007 did not amend the specification to contain the reference in the first sentence following the title and thus the petition was dismissed in a decision mailed June 22, 2007.

Comes now petitioner with the instant renewed petition and a Supplemental Application Data Sheet (signed in compliance with 37 CFR 1.33(b) and in compliance with 37 CFR 1.76).

The Application Data Sheet filed with the instant renewed petition is not in compliance with 37 CFR 1.76. The requirement is that the Application Data Sheet be a "Supplemental Application Data Sheet" and be signed. 37 CFR 1.33(b) requires that amendments and other papers, except for written assertions pursuant to 37 CFR 1.27(c)(2)(ii), filed in the application must be signed by an appropriate party. Therefore, an ADS or a supplemental ADS filed after the filing of an application must be signed in accordance with 37 CFR 1.33(b).

Nonetheless, upon further consideration, it is determined that the amendment filed January 5, 2007 will be accepted.

All 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 applications, accompanies this decision on petition.

Any inquiries concerning this decision 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 Art Unit 2853 for appropriate action on the amendment filed January 5, 2007, including consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. 120 to the prior-filed application.

Any inquiries concerning this decision may be directed to Senior Petitions Attorney Patricia Faison-Ball at (571) 272-3212.

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
10/922,877	08/23/2004	2853	2912	JUM026US	139	1

CONFIRMATION NO. 4668

CORRECTED FILING RECEIPT

OC000000025266643

24011
SILVERBROOK RESEARCH PTY LTD
393 DARLING STREET
BALMAIN, 2041
AUSTRALIA

Date Mailed: 08/09/2007

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)

Kia Silverbrook, Balmain, AUSTRALIA;

Assignment For Published Patent Application

Silverbrook Research Pty Ltd

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a CIP of 10/407,212 04/07/2003
which is a CON of 09/113,122 07/10/1998 PAT 6,557,977

Foreign Applications

AUSTRALIA PO8004 07/15/1997
AUSTRALIA PO7991 07/15/1997

If Required, Foreign Filing License Granted: 10/19/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/922,877

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Inkjet nozzle with ink feed channels etched from back of wafer

Preliminary Class

347

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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

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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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AUSTRALIA

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FEB 2 1 2007

OFFICE OF PETITIONS

In re Application of Silverbrook	:	
Application No. 10/922,878	:	Decision Dismissing Petition
Filing Date: August 23, 2004	:	Under 37 CFR 1.78(a)(3)
Attorney Docket No. JUM022US	:	

This is a decision on the petition under 37 CFR 1.78(a)(3), filed September 18, 2006, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to a prior-filed nonprovisional application.

The petition is **DISMISSED**

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

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

The petition does not satisfy item (1) above. The petition is not accompanied by an amendment or ADS adding the priority claim.

The Office notes an amendment adding the claim was previously filed March 28, 2005. However, the amendment filed on that date is not acceptable as drafted since it improperly incorporates by reference prior-filed applications.

An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 120 after the filing date of the application, the amendment is not proper. When a benefit claim under 35 U.S.C. § 120 is submitted after the

filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. *See* Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note* MPEP §§ 201.06(c) and 608.04(b).

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

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

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Post Office Box 1450
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By fax: (571) 273-8300
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By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any questions concerning this matter may be directed to Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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AUSTRALIA

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SEP 2 1 2007

OFFICE OF PETITIONS

In re Application of Silverbrook	:	
Application No. 10/922,878	:	Decision Granting Petition
Filing Date: August 23, 2004	:	Under 37 CFR 1.78(a)(3)
Attorney Docket No. JUM022US	:	

This is a decision on the petition under 37 CFR 1.78(a)(3), filed March 5, 2007, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to prior-filed nonprovisional applications.

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 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.

This application is being forwarded to Technology Center Art Unit 2853 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.

Any inquiries concerning this decision may be directed to Senior Petitions Attorney Steven Brantley at (571) 272-3203. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

Charles Steven Brantley
Senior Petitions Attorney
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	TOT CLMS	IND CLMS
10/922,878	08/23/2004	2853	2912	JUM022US	139	1

CONFIRMATION NO. 4664

CORRECTED FILING RECEIPT

OC000000025888490

24011
SILVERBROOK RESEARCH PTY LTD
393 DARLING STREET
BALMAIN, 2041
AUSTRALIA

Date Mailed: 09/18/2007

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)

Kia Silverbrook, Balmain, AUSTRALIA;

Assignment For Published Patent Application

Silverbrook Research Pty Ltd

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a CIP of 10/407,212 04/07/2003
which is a CIP of 09/113,122 07/10/1998 PAT 6,557,977

Foreign Applications

AUSTRALIA PO8004 07/15/1997
AUSTRALIA PO7991 07/15/1997

If Required, Foreign Filing License Granted: 10/20/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/922,878

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Inkjet nozzle array with individual feed channel for each nozzle

Preliminary Class

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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.

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Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

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

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

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

NOT GRANTED

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

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OFFICE OF PETITIONS

In re Application of	:
Kia Silverbrook	:
Application No. 10/922,879	: DECISION ON PETITION
Filed: August 23, 2004	: UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. JUM012US	:

This is a decision on the petition under 37 CFR 1.78(a)(3) filed September 18, 2006, to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of prior-filed non-provisional application 09/113,122.

The petition is **DISMISSED**.

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

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

(2) the surcharge set forth in § 1.17(t); and

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

In response to the non-Final Office Action mailed June 15, 2006, the instant petition is filed to claim the benefit of a prior filed application noted in the amendment filed March 23, 2005.

The petition does not satisfy item (1) above.

The reference to add the prior-filed applications on page one following the first sentence of the specification is not acceptable as drafted since it improperly

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

Before the petition under 37 CFR § 1.78(a)(3) can be granted, a renewed petition and either a Supplemental Application Data Sheet (signed in compliance with 37 CFR 1.33(b) and in compliance with 37 CFR 1.76) or a substitute amendment (complying with the provisions of 37 CFR 1.121) to correct the above matters are required.

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

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

Any questions concerning this matter may be directed to Senior Petitions Attorney Patricia Faison-Ball at (571) 272-3212.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

In re Application of
Kia Silverbrook
Application No. 10/922,879
Filed: August 23, 2004
Attorney Docket No. JUM012US

: 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 August 16, 2007, to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of prior-filed non-provisional applications 09/113,122 and 10/407,212, set forth in the supplemental 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.

A petition filed September 18, 2006, in response to a non-Final Office Action mailed June 15, 2006, was dismissed in a decision mailed August 9, 2007 because the amendment filed March 23, 2005 improperly incorporated by reference prior filed applications. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 120 after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 120 is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference

statement of the prior application. *See* Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note* MPEP §§ 201.06(c) and 608.04(b).

Comes now petitioner with the instant renewed petition and amended specification to include the specific reference required by 35 U.S.C. § 120 .

All 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 applications, accompanies this decision on petition.

Any inquiries concerning this decision 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 Art Unit 2853 for appropriate action on the amendment filed August 16, 2007, including consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed application.

Nancy Johnson
Senior Petitions Attorney
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
10/922,879	08/23/2004	2853	2912	JUM012US	139	1

CONFIRMATION NO. 4553

REPLACEMENT FILING RECEIPT

24011
SILVERBROOK RESEARCH PTY LTD
393 DARLING STREET
BALMAIN, 2041
AUSTRALIA

OC000000026426399

Date Mailed: 10/24/2007

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)

Kia Silverbrook, Balmain, AUSTRALIA;

Assignment For Published Patent Application

Silverbrook Research Pty Ltd

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a CIP of 10/407,212 04/07/2003
which is a CON of 09/113,122 07/10/1998 PAT 6,557,977

Foreign Applications

AUSTRALIA PO8004 07/15/1997
AUSTRALIA PO7991 07/15/1997

If Required, Foreign Filing License Granted: 10/22/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 10/922,879**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Inkjet printhead with narrow printing zone

Preliminary Class

347

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

<u>GRANTED</u>

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

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

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

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

NOT GRANTED

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

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AUSTRALIA

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JUN 07 2005

OFFICE OF PETITIONS

In re Application of :
Kia Silverbrook :
Application No. 10/922,880 :
Filed: August 23, 2004 :
Attorney Docket No. JUM018US :

ON PETITION

This is a decision on the paper filed November 12, 2004, which is being treated under 37 CFR 1.53, requesting that the above-identified application be accorded a filing date of August 23, 2004, with Figure 1107 as part of the original disclosure.

The application was filed on August 23, 2004. On October 20, 2004, the Office of Initial Patent Examination mailed a "Notice To File Corrected Application Papers (Notice)" stating that the application has been accorded a filing date of August 23, 2004, but that Figure 1107 described in the specification appeared to have been omitted from the filed application. Additionally, the notice required the submission of substitute drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 because "more than one figure is present and each figure is not labeled 'Fig.' with a consecutive Arabic numeral (1, 2, etc.) or an Arabic numeral and capital letter in the English alphabet (A, B, etc.)(see 37 CFR 1.82(u)(1)). See Figure(s) (854-865), 925b."

In response, on November 12, 2004, the present petition and 12 sheets of drawings, one of them containing Figure 1107 were filed. Petitioner argues that the drawing containing Figure 1107 was filed on August 23, 2004. In support, the petition is accompanied by a declaration signed by Leonie France News, a Patent Administrator, stating that he prepared the application, that the application containing Figure 1107 "was also included in the formal drawing [sic, drawings] sent to the USPTO via Fedex [sic, FedEx] on August 19, 2004."

By this, petitioner requests the Office to consider Figure 1107 as part of the original filing. However, the petition does not include any evidence to support that Figure 1107 was filed with the other application papers on August 23, 2004; i.e., a postcard receipt which itemizes and properly identifies the papers being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO.

In view of the above, the Office concludes that Figure 1107 was not filed on August 23, 2004. Therefore, the petition is dismissed.

Telephone inquires specific to this matter should be directed to Wan Laymon at (571) 272-3220.

This matter is being referred to the Office of Initial Patent Examination for further processing with a filing date of August 23, 2004, using only the drawings filed on that date.

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

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OFFICE OF PETITIONS

In re Application of Silverbrook	:	
Application No. 10/922,880	:	Decision Dismissing Petition
Filing Date: August 23, 2004	:	Under 37 CFR 1.78(a)(3)
Attorney Docket No. JUM018US	:	

This is a decision on the petition under 37 CFR 1.78(a)(3), filed September 25, 2006, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to a prior-filed nonprovisional application.

The petition is **DISMISSED**

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

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

The petition does not satisfy item (1) above. The petition is not accompanied by an amendment or ADS adding the priority claim.

The Office notes an amendment adding the claim was previously filed March 22, 2005. However, the amendment filed on that date is not acceptable as drafted since it improperly incorporates by reference prior-filed applications.

An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 120 after the filing date of the application, the amendment is not proper. When a benefit claim under 35 U.S.C. § 120 is submitted after the

filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. *See* Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note* MPEP §§ 201.06(c) and 608.04(b).

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

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

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

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

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

Any questions concerning this matter may be directed to Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

In re Application of Silverbrook	:	
Application No. 10/922,880	:	Decision Granting Petition
Filing Date: August 23, 2004	:	Under 37 CFR 1.78(a)(3)
Attorney Docket No. JUM018US	:	

This is a decision on the petition under 37 CFR 1.78(a)(3), filed September 25, 2006, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to prior-filed nonprovisional applications

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 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.

This application is being forwarded to Technology Center Art Unit 2853 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.

Any inquiries concerning this decision may be directed to Senior Petitions Attorney Steven Brantley at (571) 272-3203. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

Charles Steven Brantley
Senior Petitions Attorney
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	TOT CLMS	IND CLMS
10/922,880	08/23/2004	2853	2912	JUM018US	139	1

CONFIRMATION NO. 4549

CORRECTED FILING RECEIPT

OC000000024982833

24011
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393 DARLING STREET
BALMAIN, 2041
AUSTRALIA

Date Mailed: 07/24/2007

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)

Kia Silverbrook, Balmain, AUSTRALIA;

Assignment For Published Patent Application

Silverbrook Research Pty Ltd

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a CIP of 10/407,212 04/07/2003
which is a CON of 09/113,122 07/10/1998 PAT 6,557,977

Foreign Applications

AUSTRALIA PO8004 07/15/1997
AUSTRALIA PO7991 07/15/1997

If Required, Foreign Filing License Granted: 10/20/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/922,880

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Inkjet printhead with thermal bend arm exposed to ink flow

Preliminary Class

347

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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Title 37, Code of Federal Regulations, 5.11 & 5.15

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NOT GRANTED

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OFFICE OF PETITIONS

In re Application of
Kia Silverbrook
Application No. 10/922,881
Filed: August 23, 2004
Attorney Docket No. JUM019US

: 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 September 18, 2006, to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of prior-filed non-provisional application 10/407,212.

The petition is **GRANTED**.

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

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

In response to the non-Final Office Action mailed June 20, 2006, the instant petition is filed to claim the benefit of a prior filed application noted in an amendment filed March 23, 2005.

All 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 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 application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

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

Any inquiries concerning this decision may be directed to Senior 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 application is being forwarded to Technology Center Art Unit 2853 for appropriate action on the amendment filed March 23, 2005, including consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. 120 to the prior-filed application.

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
10/922,881	08/23/2004	2853	2912	JUM019US	139	1

CONFIRMATION NO. 3934

CORRECTED FILING RECEIPT

OC000000025118374

24011
SILVERBROOK RESEARCH PTY LTD
393 DARLING STREET
BALMAIN, 2041
AUSTRALIA

Date Mailed: 07/31/2007

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)

Kia Silverbrook, Balmain, AUSTRALIA;

Assignment For Published Patent Application

Silverbrook Research Pty Ltd

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a CIP of 10/407,212 04/07/2003

Foreign Applications

AUSTRALIA PO8004 07/15/1997
AUSTRALIA PO7991 07/15/1997

If Required, Foreign Filing License Granted: 10/26/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/922,881

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Inkjet nozzle with ink supply channel parallel to drop trajectory

Preliminary Class

347

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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NOT GRANTED

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

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OFFICE OF PETITIONS

In re Application of	:	
Kia Silverbrook	:	
Application No. 10/922,882	:	DECISION ON PETITION
Filed: 08/23/2004	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. JUM020US	:	

This is a decision on the petition under 37 CFR 1.78(a)(3), filed April 5, 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.

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 the undersigned at (571) 272-3211. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 2853 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.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	TOT CLMS	IND CLMS
10/922,882	08/23/2004	2853	2912	JUM020US	139	1

CONFIRMATION NO. 3935

CORRECTED FILING RECEIPT

OC000000025736634

24011
SILVERBROOK RESEARCH PTY LTD
393 DARLING STREET
BALMAIN, 2041
AUSTRALIA

Date Mailed: 09/10/2007

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)

Kia Silverbrook, Balmain, AUSTRALIA;

Assignment For Published Patent Application

Silverbrook Research Pty Ltd

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a CIP of 10/407,212 04/07/2003
which is a CON of 09/113,122 07/10/1998 PAT 6,557,977

Foreign Applications

AUSTRALIA PO8004 07/15/1997
AUSTRALIA PO7991 07/15/1997

If Required, Foreign Filing License Granted: 10/20/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/922,882

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Inkjet nozzle with supply duct dimensioned for viscous damping

Preliminary Class

347

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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

GRANTED

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

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

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

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

NOT GRANTED

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BALMAIN 2041 AU AUSTRALIA

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SEP 05 2007
OFFICE OF PETITIONS

In re Application of	:
Kia Silverbrook	:
Application No. 10/922,883	: DECISION ON PETITION
Filed: 08/23/2004	: UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. JUM021US	:

This is a decision on the petition under 37 CFR 1.78(a)(3), filed March 1, 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.

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 the undersigned at (571) 272-3211. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 2853 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.

Christina Tartera Donnell

Christina Tartera Donnell
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
10/922,883	08/23/2004	2853	2912	JUM021US	139	1

CONFIRMATION NO. 4550

CORRECTED FILING RECEIPT

OC000000025558367

24011
SILVERBROOK RESEARCH PTY LTD
393 DARLING STREET
BALMAIN, 2041
AUSTRALIA

Date Mailed: 08/27/2007

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)

Kia Silverbrook, Balmain, AUSTRALIA;

Assignment For Published Patent Application

Silverbrook Research Pty Ltd

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a CIP of 10/407,212 04/07/2003
which is a CON of 09/113,122 07/10/1998 PAT 6,557,977

Foreign Applications

AUSTRALIA PO8004 07/15/1997
AUSTRALIA PO7991 07/15/1997

If Required, Foreign Filing License Granted: 10/22/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/922,883

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Inkjet nozzle with long ink supply channel

Preliminary Class

347

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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Title 37, Code of Federal Regulations, 5.11 & 5.15

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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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393 DARLING STREET
BALMAIN 2041 AU AUSTRALIA

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OFFICE OF PETITIONS

In re Application of	:	
Kia Silverbrook	:	
Application No. 10/922,884	:	DECISION ON PETITION
Filed: August 23, 2004	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. JUM011US	:	

This is a decision on the petition under 37 CFR 1.78(a)(3), filed April 12, 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 **DISMISSED**.

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

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

The petition does not satisfy item (1) above.

The reference to add the above-noted, prior-filed applications in the first sentence of the specification on page one following the title is not acceptable as drafted since it improperly incorporates by reference the prior-filed applications. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an

application after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 120 after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 120 is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. *See* Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note* MPEP §§ 201.06(c) and 608.04(b).

If reconsideration of this decision is desired, a renewed petition under 37 CFR § 1.78(a)(3) and an Application Data Sheet or a substitute amendment (complying with the provisions of 37 CFR 1.121 and 37 CFR 1.76(b)(5)) to correct the above matter is required.

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

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

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

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

Any questions concerning this matter may be directed to Andrea Smith at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SILVERBROOK RESEARCH PTY., LTD.
393 DARLING STREET
BALMAIN 2041 AU **AUSTRALIA**

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JUL 0 7 2008

OFFICE OF PETITIONS

In re Application of	:	
Kia Silverbrook	:	
Application No. 10/922,884	:	DECISION ON PETITION
Filed: August 23, 2004	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. JUM011US	:	

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed May 19, 2008, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the amendment filed on April 12, 2007.

The petition is **GRANTED**.

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

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

Since all of the above requirements have 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.

This application is being forwarded to Technology Center Art Unit 2853, for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed application.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3226. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

Andrea Smith
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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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
10/922,884	08/23/2004	2853	2912	JUM011US	139	1

CONFIRMATION NO. 4547

CORRECTED FILING RECEIPT

24011
SILVERBROOK RESEARCH PTY LTD
393 DARLING STREET
BALMAIN, 2041
AUSTRALIA

OC000000030807247

Date Mailed: 07/03/2008

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)
Kia Silverbrook, Balmain, AUSTRALIA;

Assignment For Published Patent Application
Silverbrook Research Pty Ltd

Power of Attorney: None

Domestic Priority data as claimed by applicant
This application is a CIP of 10/407,212 04/07/2003
which is a CON of 09/113,122 07/10/1998 PAT 6,557,977

Foreign Applications
AUSTRALIA PO8004 07/15/1997
AUSTRALIA PO7991 07/15/1997

If Required, Foreign Filing License Granted: 10/19/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 10/922,884**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Inkjet nozzle chamber holding two fluids

Preliminary Class

347

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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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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393 DARLING STREET
BALMAIN 2041
AUSTRALIA

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OCT 30 2007
OFFICE OF PETITIONS

In re Application of	:	
Kia Silverbrook	:	DECISION ON PETITION
Application No. 10/922,885	:	UNDER 37 CFR 1.78(a)(3)
Filed: August 23, 2004	:	
Attorney Docket No. JUM009US	:	

This is a decision on the Petition to Accept an Unintentionally Delayed Claim under 35 U.S.C. 120 filed April 4, 2007. This petition is properly being treated under 37 C.F.R. § 1.78(a)(3) to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to prior-filed nonprovisional application Nos. 10/407,212 and 09/113,122. This petition was recently forwarded to the undersigned for consideration.

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) and must be filed during the pendency of the nonprovisional application. In addition, the petition under 37 CFR § 1.78(a)(3) must be accompanied by:

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

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

A reference to the prior-filed applications has been included in an amendment to the first sentence of the specification following the title, as required by 37 CFR 1.78(a)(2)(iii).

All of the above requirements having been satisfied, the late claim for benefit of priority to the prior-filed applications under 35 U.S.C. § 120 is accepted as being unintentionally delayed.

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

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

Any questions concerning this matter may be directed to the undersigned at (571) 272-3219. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being referred to Technology Center Art Unit 2853 for consideration by the examiner of the claim for benefit

of priority under 35 U.S.C. § 120 of the prior-filed application as set forth in the amendment filed April 4, 2007.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

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SILVERBROOK RESEARCH PTY LTD
393 DARLING ST
BALMAIN, NSW 2041 AU **AUSTRALIA**

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MAY 09 2008

OFFICE OF PETITIONS

In re Application of	:
Kia Silverbrook	:
Application No. 10/922,887	: DECISION ON PETITION
Filed: August 23, 2004	: UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. JUM013US	:

This is a decision on the petition under 37 CFR 1.78(a)(3), filed June 27, 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 concurrently filed amendment.

The petition is **GRANTED**.

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

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

This application is being forwarded to Technology Center Art Unit 2853, 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.

Any inquiries concerning this decision may be directed to Andrea Smith at (571) 272-3226. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

Andrea Smith
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

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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
10/922,887	08/23/2004	2853	2912	JUM013US	139	1

CONFIRMATION NO. 7511

CORRECTED FILING RECEIPT

24011
SILVERBROOK RESEARCH PTY LTD
393 DARLING STREET
BALMAIN, 2041
AUSTRALIA

OC000000029843833

Date Mailed: 05/08/2008

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)
Kia Silverbrook, Balmain, AUSTRALIA;

Assignment For Published Patent Application
Silverbrook Research Pty Ltd

Power of Attorney: None

Domestic Priority data as claimed by applicant
This application is a CIP of 10/407,212 04/07/2003
which is a CON of 09/113,122 07/10/1998 PAT 6,557,977

Foreign Applications
AUSTRALIA PO8004 07/15/1997
AUSTRALIA PO7991 07/15/1997

If Required, Foreign Filing License Granted: 10/28/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 10/922,887**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Inkjet chamber with aligned nozzle and inlet

Preliminary Class

347

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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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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SILVERBROOK RESEARCH PTY LTD
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BALMAIN, NSW 2041 AU **AUSTRALIA**

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MAY 09 2008

OFFICE OF PETITIONS

In re Application of	:
Kia Silverbrook	:
Application No. 10/922,888	: DECISION ON PETITION
Filed: August 23, 2004	: UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. JUM014US	:

This is a decision on the petition under 37 CFR 1.78(a)(3), filed June 6, 2007, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the concurrently filed amendment.

The petition is **GRANTED**.

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

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

(2) the surcharge set forth in § 1.17(t); and

(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The 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 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.

This application is being forwarded to Technology Center Art Unit 2853, 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.

Any inquiries concerning this decision may be directed to Andrea Smith at (571) 272-3226. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

Andrea Smith
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

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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
10/922,888	08/23/2004	2853	2912	JUM014US	139	1

CONFIRMATION NO. 7507

CORRECTED FILING RECEIPT

24011
SILVERBROOK RESEARCH PTY LTD
393 DARLING STREET
BALMAIN, 2041
AUSTRALIA

OC000000029841500

Date Mailed: 05/08/2008

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)
Kia Silverbrook, Balmain, AUSTRALIA;

Assignment For Published Patent Application
Silverbrook Research Pty Ltd

Power of Attorney: None

Domestic Priority data as claimed by applicant
This application is a CIP of 10/407,212 04/07/2003
which is a CON of 09/113,122 07/10/1998 PAT 6,557,977

Foreign Applications
AUSTRALIA PO8004 07/15/1997
AUSTRALIA PO7991 07/15/1997

If Required, Foreign Filing License Granted: 10/29/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 10/922,888**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Inkjet chamber with plurality of nozzles

Preliminary Class

347

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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Title 37, Code of Federal Regulations, 5.11 & 5.15

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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

In re Application of	:	
Kia Silverbrook	:	
Application No. 10/922,889	:	DECISION ON PETITION
Filed: August 23, 2004	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. JUM010US	:	

This is a decision on the petition under 37 CFR 1.78(a)(3), filed April 5, 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 concurrently filed amendment.

The petition is **GRANTED**.

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

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

This application is being forwarded to Technology Center Art Unit 2853, 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.

Any inquiries concerning this decision may be directed to Andrea Smith at (571) 272-3226. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

Andrea Smith
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

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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
10/922,889	08/23/2004	2853	2912	JUM010US	139	1

CONFIRMATION NO. 6604

CORRECTED FILING RECEIPT

24011
SILVERBROOK RESEARCH PTY LTD
393 DARLING STREET
BALMAIN, 2041
AUSTRALIA

OC000000029115023

Date Mailed: 03/27/2008

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)
Kia Silverbrook, Balmain, AUSTRALIA;

Assignment For Published Patent Application
Silverbrook Research Pty Ltd

Power of Attorney: None

Domestic Priority data as claimed by applicant
This application is a CIP of 10/407,212 04/07/2003
which is a CON of 09/113,122 07/10/1998 PAT 6,557,977

Foreign Applications
AUSTRALIA PO8004 07/15/1997
AUSTRALIA PO7991 07/15/1997

If Required, Foreign Filing License Granted: 10/22/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 10/922,889**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Inkjet printer with low droplet to chamber volume ratio

Preliminary Class

347

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

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

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

NOT GRANTED

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

KIA SILVERBROOK
SILVERBROOK RESEARCH PTY LTD
393 DARLING ST
BALMAIN, NSW 2041 AU **AUSTRALIA**

COPY MAILED

MAR 2 7 2008

OFFICE OF PETITIONS

In re Application of	:
Kia Silverbrook	:
Application No. 10/922,890	: DECISION ON PETITION
Filed: July 10, 1998	: UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. IJ26US	:

This is a decision on the petition under 37 CFR 1.78(a)(3), filed April 5, 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 concurrently filed amendment.

The petition is **GRANTED**.

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

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

This application is being forwarded to Technology Center Art Unit 2853, 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.

Any inquiries concerning this decision may be directed to Andrea Smith at (571) 272-3226. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

Andrea Smith
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
10/922,890	08/23/2004	2853	1490	JUM007US	60	1

CONFIRMATION NO. 6612

CORRECTED FILING RECEIPT

24011
SILVERBROOK RESEARCH PTY LTD
393 DARLING STREET
BALMAIN, 2041
AUSTRALIA

OC000000029114706

Date Mailed: 03/27/2008

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)
Kia Silverbrook, Balmain, AUSTRALIA;

Assignment For Published Patent Application
Silverbrook Research Pty Ltd

Power of Attorney: None

Domestic Priority data as claimed by applicant
This application is a CIP of 10/407,212 04/07/2003
which is a CON of 09/113,122 07/10/1998 PAT 6,557,977

Foreign Applications
AUSTRALIA PO8004 07/15/1997
AUSTRALIA PO7991 07/15/1997

If Required, Foreign Filing License Granted: 10/19/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 10/922,890**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Nozzle with reciprocating plunger

Preliminary Class

347

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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NOT GRANTED

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LOWE HAUPTMAN HAM & BERNER, LLP
1700 DIAGONAL ROAD
SUITE 300
ALEXANDRIA VA 22314

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AUG 0 8 2008

In re Application of	:	
Chin-Pia LIN	:	
Application No. 10/922,961	:	DECISION ON PETITION
Filed: August 23, 2004	:	
Attorney Docket No. **4746-001A**	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 09, 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 November 07, 2007. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is February 08, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $405, and the submission required by 37 CFR 1.114; (2) the petition fee of $770; and (3) a proper statement of unintentional delay. Accordingly, the reply to the final Office Action of May 08, 2007 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). Since the $525 extension of time fee submitted with the petition on May 09, 2008 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's credit card.

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

This application is being referred to Technology Center AU 2852 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:

DATE :

TO SPE OF : ART UNIT

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

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

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - ST (South Tower) 9A22
Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance **Certificates of Correction Branch**

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

Note your decision on the appropriated box.

☐ **Approved** All changes apply.

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

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

Comments:

SPE: Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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PRICE HENEVELD COOPER DEWITT & LITTON, LLP
695 KENMOOR, S.E.
P O BOX 2567
GRAND RAPIDS, MI 49501

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JAN 14 2010

In re Patent No. 7,278,121	:	
Issue Date: October 2, 2007	:	
Application No. 10/922,982	:	NOTICE
Filed: August 23, 2004	:	
Attorney Docket No. SHA016P302	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

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

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

This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-6059.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

SPE: Z. Smith

LN

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 7/16/07

TO SPE OF : ART UNIT 2822

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/922,997 Patent No.: 7235462

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: _____

Zandra V. Smith
Supervisory Patent Examiner

SPE

2822
Art Unit

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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 2 2 2006
OFFICE OF PETITIONS

In re Application of Nagatsuma et al. :
Application No. 10/923,009 : Decision on Petition
Filing Date: August 23, 2004 :
Attorney Docket No. 257813US2 :

This is a decision on the petition under 37 CFR 1.181, filed September 22, 2006, to withdraw the holding of abandonment.

The petition is **granted.**

The Office mailed a non-final Office action including a requirement for restriction/election on February 16, 2006.

The Office action set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later).

The Office failed to receive a reply to the February 16, 2006 Office action.

On September 12, 2006, the examiner called petitioner to inquire into the failure of the Office to receive a reply.

The instant petition was filed September 22, 2006.

Petitioner contends, and has established, non-receipt of the Office action. In other words, petitioner has proven the application is not abandoned.

Technology Center Art Unit 2852 will be informed of the instant decision and the paper entitled, "Provisional Election," will entered and considered by the examiner in due course.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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Ms. Elizabeth Arwine, Esq.
U.S. Army Medical Research & Materiel Command
ATTN: MCMR-JA
504 Scott Street
Fort Detrick MD 21702-5012

COPY MAILED
DEC 10 2007
OFFICE OF PETITIONS

In re Application of	: DECISION GRANTING
Olson, et al.	: PETITION UNDER 37 CFR
Application No. 10/923,022	: 1.183 and REQUEST UNDER
Filed: August 23, 2004	: 37 CFR 1.48
Atty. Dkt. 034047.016CON1	:
(RIID 01-5	:

This decision is in response to the petition under 37 CFR 1.183 to waive the requirements of 37 CFR 1.48(a)(2) and the request for correction of inventorship pursuant to 37 CFR 1.48, filed November 10, 2004.

The above-identified application was filed August 23, 2004 with an executed declaration naming Mr. Olson, Mr. Millard, Mr. Byrne, Mr. Wannemacher, and Mr. Leclaire as joint inventors. Petitioners herein seek to correct the inventive entity of this application by deleting Mr. Leclaire as a joint inventor.

DECISION UNDER 37 CFR 1.183

The provisions of 37 CFR 1.183 provide that "[i]n 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 Commissioner or the Commissioner's designee, *sua sponte*, or on petition of the interested party, subject to such other requirements as may be imposed."

Petitioners seek to correct the inventive entity in the instant application by submitting a request under 37 CFR 1.48(a). Petitioners are required under 37 CFR 1.48(a)(2) to submit a statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part. Petitioners are unable to comply with this requirement because Mr. Leclaire has refused to sign the supplemental declaration.

Petitioners have established that they are unable to procure a statement from Mr. Leclaire, the person being deleted as an inventor, that the error in inventorship occurred without deceptive intention on his part.

Accordingly, the petition under 37 CFR 1.183 to waive the requirements of 37 CFR 1.48(a)(2) is hereby **GRANTED**.

DECISION UNDER 37 CFR 1.48

In view of the evidence presented, it has been found that this nonprovisional application, as filed, through error and without deceptive intent, improperly set forth the inventorship, and accordingly, this application has been corrected in compliance with 37 CFR 1.48, deleting Mr. Leclaire as a joint inventor.

Accordingly, the petition under 37 CFR 1.48 is hereby **GRANTED**.

Enclosed please find a corrected filing receipt.

This application is being forwarded to Technology Center 1600 for further processing.

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

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
10/923,022	08/23/2004	1652	842	034047.016CON1 (RIID 01-5	24	2

CONFIRMATION NO. 2835

CORRECTED FILING RECEIPT

Ms. Elizabeth Arwine, Esq.
U.S. Army Medical Research & Materiel Command
ATTN: MCMR-JA
504 Scott Street
Fort Detrick, MD 21702-5012

OC000000027190825

Date Mailed: 12/10/2007

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)

Mark A. Olson, Middletown, MD;
Charles B. Millard, Frederick, MD;
Michael P. Byrne, New Market, MD;
Robert W. Wannemacher, Frederick, MD;

Power of Attorney: The patent practitioners associated with Customer Number 000053502

Domestic Priority data as claimed by applicant

This application is a CON of 10/083,336 02/27/2002 PAT 6,869,787

Foreign Applications

If Required, Foreign Filing License Granted: 12/08/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 10/923,022**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Ricin vaccine and methods of making and using thereof

Preliminary Class

530

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.

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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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MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
2200 CLARENDON BLVD.
SUITE 1400
ARLINGTON VA 22201

COPY MAILED

MAY 12 2008

In re Application of	:	
Wyrwa et al.	:	
Application No. 10/923,080	:	DECISION ON PETITION
Filed: August 23, 2004	:	UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. SCH-2057	:	

This is a decision on the petition under 37 CFR 1.78(a)(6), filed January 18, 2008, to accept an unintentionally delayed claim under 35 U.S.C. §119(e) for the benefit of the prior-filed provisional application set forth in the concurrently filed amendment.

The petition is **GRANTED.**

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

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

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

Also, 37 CFR §1.78(a)(6) require 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. 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))(6). If this is not a correct reading of the statement appearing in the petition, petitioner should promptly notify the Office.

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

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

The Office is in receipt of $130.00. However, the petition fee is $1410.00. Accordingly deposit account no. 13-3402 will be charged the $1280.00 difference.

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

Any inquiries concerning this decision may be directed to Charlema Grant at (571) 272-3215. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

In light of the February 7, 2008 response to the 312 amendment, the application is being forwarded to the Office of Data Management.

Anthony Knight
Supervisor
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

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
10/923,080	08/23/2004	1617	2028	SCH-2057	21	1

CONFIRMATION NO. 2520

CORRECTED FILING RECEIPT

23599
MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
2200 CLARENDON BLVD.
SUITE 1400
ARLINGTON, VA 22201

OC000000029886020

Date Mailed: 05/12/2008

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)

Ralf Wyrwa, Rothenstein, GERMANY;
Sven Ring, Jena, GERMANY;
Guenter Kaufmann, Jena, GERMANY;
Walter Elger, Berlin, GERMANY;
Birgitt Schneider, Jena, GERMANY;

Power of Attorney: The patent practitioners associated with Customer Number 23599

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/496,669 08/21/2003

Foreign Applications

GERMANY 103 39 532.6 08/21/2003

If Required, Foreign Filing License Granted: 10/22/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 10/923,080**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

DELTA15-D-HOMOSTEROIDS WITH ANDROGENIC ACTION

Preliminary Class

514

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

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

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign 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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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA VA 22314

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JUL 07 2008

In re Application of	:	
Yasuji Hiramatsu	:	
Application No. 10/923,037	:	DECISION GRANTING PETITION
Filed: August 23, 2004	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 256759US90CONT	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed July 7, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on June 24, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 3742 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Terri Williams

Terri Williams
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 of the application.*

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DLA PIPER LLP US
P. O. BOX 2758
RESTON, VA 20195

Mail Date: 04/21/2010

Applicant	: Lawrence Mark	: DECISION ON REQUEST FOR
Patent Number	: 7584101	: RECALCULATION of PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/923,038	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/23/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1004** 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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LAW OFFICE OF DELIO & PETERSON, LLC.
121 WHITNEY AVENUE
3RD FLLOR
NEW HAVEN CT 06510

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JUN 09 2008

In re Patent No. 7,276,166	:	
Issue Date: October 2, 2007	:	
Application No. 10/923,058	:	ON PETITION
Filed: August 19, 2004	:	
Attorney Docket No. KXIN 100015000	:	

This is a decision on the petition filed March 25, 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.

The application is forwarded to Technology Center Art Unit 1723 for consideration of the Certificate of Correction request in regard to the correction of Column 7, line 55-56.

Carl Friedman
Petitions Examiner
Office of Petitions

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

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P.O. BOX 2550
SALT LAKE CITY, UT 84110

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OFFICE OF PETITIONS

In re Application of	:	
Charles H. Dennison, et al.	:	
Application No.: 10/923,060	:	ON PETITION
Filed: August 19, 2004	:	
Attorney Docket No.: 2269-5081.4US (91-0463.09	:	

This is a decision on the petition, filed February 7, 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 13, 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 2812 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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

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HEAD, JOHNSON & KACHIGIAN
228 W 17TH PLACE
TULSA, OK 74119

Mail Date: 04/21/2010

Applicant	: Simon Hodgson	: DECISION ON REQUEST FOR
Patent Number	: 7668855	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/923,065	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/20/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **631** 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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U.S. PATENT OPERATIONS/RVP
AMGEN INC.
DEPARTMENT 4300, M/S 27-4-A
ONE AMGEN CENTER DRIVE
THOUSAND OAKS, CA 91320-1799

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AUG 06 2008

In re Application of	:	
Liu et al.	:	
Application No. 10/923,067	:	DECISION ON PETITION
Filed: August 20, 2004	:	
Attorney Docket No. A-844	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 7, 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 July 1, 2008, as required by the Notice of Allowance and Fee(s) Due mailed April 1, 2008. Accordingly, the date of abandonment of this application is July 2, 2008. A Notice of Abandonment was mailed July 16, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1,440.00 and the publication fee of $300.00, (2) the petition fee of $1,540.00; and (3) a proper statement of unintentional delay.

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

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

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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OFFICE OF PETITIONS

In re Application of	:	
DAMIEN, et al.	:	
Application No. 10/923,084	:	DECISION ON PETITION
Filed: August 23, 2004	:	TO WITHDRAW
Attorney Docket No. **060960-5025**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 17, 2007.

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

A review of the file record indicates that the power of attorney to **FOLEY AND LARDNER LLP** has been revoked by the assignee of the patent application on June 15, 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: **MORGAN LEWIS & BOCKIUS LLP**
1701 MARKET STREET
PHILADELPHIA, PA 19103-2921

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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OCT 01 2007

OFFICE OF PETITIONS

In re Application of	:	
DAMIEN, et al.	:	
Application No. 10/923,084	:	DECISION ON PETITION
Filed: August 23, 2004	:	TO WITHDRAW
Attorney Docket No. **060960-5025**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 17, 2007.

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

A review of the file record indicates that the power of attorney to **FOLEY AND LARDNER LLP** has been revoked by the assignee of the patent application on June 15, 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: **MORGAN LEWIS & BOCKIUS LLP**
1701 MARKET STREET
PHILADELPHIA, PA 19103-2921

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

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FEB 25 2009

OFFICE OF PETITIONS

In re Patent No. 7,427,600	:	
Issue Date: September 23, 2008	:	
Application No. 10/923,088	:	NOTICE
Filed: August 23, 2004	:	
Attorney Docket No. 20342/1202690-US3	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

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

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

This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

Liana Walsh
Petitions Examiner
Office of Petitions

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P.O. BOX 34385
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OFFICE OF PETITIONS

In re Application of	:	
Lars Gundersen et al	:	
Application No. 10/923,093	:	DECISION ON PETITION
Filed: August 23, 2004	:	
Attorney Docket No. 43315-207060	:	

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

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Office action of May 16, 2007, which set a three (3) month shortened statutory period for reply. A reply was due on or before August 16, 2007.

Petitioner states that a reply was in fact timely filed. To support this assertion, petitioner has submitted a copy of a return postcard which acknowledges receipt by the U.S. Patent and Trademark Office (USPTO) on November 16, 2007 of, *inter alia,* the response/amendment and a three month extension of time with fee. Additionally, Office records indicate the above as being received on November 16, 2007.

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

The copy of the reply supplied with the petition will be accepted in place of the reply shown to have been received by the USPTO on November 16, 2007.

This application is being referred to Technology Center AU 2619 for appropriate action in the normal course of business on the reply received November 16, 2007.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

PERKINS COIE LLP
PATENT-SEA
P.O. BOX 1247
SEATTLE, WA 98111-1247

Mail Date: 04/22/2010

Applicant	: Lars Gundersen	: DECISION ON REQUEST FOR
Patent Number	: 7664815	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/923,093	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/23/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1076** 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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BROUSE MCDOWELL LPA
388 SOUTH MAIN STREET
SUITE 500
AKRON, OH 44311

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FEB 23 2007

OFFICE OF PETITIONS

In re Application of	:	
William J. Herbert	:	
Application No. 10/923,098	:	DECISION ON PETITION
Filed: August 21, 2004	:	TO WITHDRAW
Attorney Docket No. 30837.26892	:	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 4, 2006.

The request is **APPROVED**.

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

The request was signed by Timothy D. Bennett on behalf of all attorneys of record who are associated with this application.

All attorneys/agents associated with this application have been withdrawn.

Example: 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 are no pending Office actions at the present time.

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

April M. Wise
Petitions Examiner
Office of Petitions

cc: MR. WILLIAM J. HERBERT
7711 WESTLAKE BLVD.
KENT, OH 44240

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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JUN 16 2005

OFFICE OF PETITIONS

In re Application of	:	
Ron Rohrbach, et al.	:	
Application No. 10/923,103	:	ON PETITION
Filed: August 19, 2004	:	
Attorney Docket No. 30-4921 DIV2-4780	:	

This decision is in response to the petition filed March 31, 2005, under 37 CFR 1.47(a).

The petition is **DISMISSED** as involving moot issues.

The present application filed August 19, 2004 is a divisional of application 10/652,230 filed August 28, 2003. The application was filed without the signatures of all the named inventors. Specifically, the signatures of joint inventors Hendricks, LeClaire and McGeever were missing. A Notice to File Missing Parts "Notice" was mailed October 26, 2004 requiring, *inter alia*, the signatures of the non-signing inventors.

A response to the "Notice" was filed December 27, 2004. The response included a copy of the petition filed March 19, 2004, under 37 CFR 1.47(a), in application no. 10/652,230 and the decision mailed July 23, 2004. The petition in 10/652,230 had been dismissed as moot since the petition and decision from the parent case, 09/834,581, of which 10/652,230 was a divisional was included as a response to a Notice of Incomplete Reply.

The papers filed December 27, 2004 were treated as an incomplete response and as such, a Notice of Incomplete Reply was mailed April 6, 2004.

The response filed December 27, 2004 and the instant petition under 37 CFR 1.47(a), in response to the Notice to File Missing Parts and the Notice of Incomplete Reply, allege that copies of the application was sent to Mr. Hendricks, Mr. LeClaire and Mr. McGeever and that they refused to sign the oath or declaration. The response also included copies of the oath or declaration executed by Mr. Hendricks, Mr. LeClaire and Mr. McGeever in parent application, 09/834,581, and the decision advising that under the circumstances presented, no petition was necessary and thus that the petition was dismissed as moot.

Pursuant to 37 CFR 1.63:

> (d)(1) A newly executed oath or declaration is not required under § 1.51(b)(2) and § 1.53(f) in a continuation or divisional application provided that:
>
> (i) The prior nonprovisional application contained an oath or declaration as prescribed by paragraphs (a) through (c) of this section;
>
> (ii) The continuation or divisional application was filed by all or by fewer than all of the inventors named in the prior application;
>
> (iii) The specification and drawings filed in the continuation or divisional application contain no matter that would have been new matter in the prior application; and
>
> (iv) A copy of the executed oath or declaration submitted under this paragraph for a continuation or divisional application must be accompanied by a statement requesting the deletion of the name or names of the person or persons who are not inventors in the continuation or divisional application.

Accordingly, this petition is also considered moot. The Notice of Incomplete Reply mailed April 6, 2005 is vacated. This application does not have any Rule 1.47(a) status and no such status should appear in the file.

As no petition fee is necessary, no petition fee has been charged. However, the surcharge for late filing of an oath or declaration has been properly remitted and properly applied.

As provided in Rule 1.47(c), since notice was provided after the grant of Rule 1.47(a) status in the prior application, the Office is dispensing with the notice provision in this divisional application.

This matter is being forwarded to the Office of Initial Patent Examination for further pre-examination processing. This matter need not be returned to this Office for further consideration under 37 CFR 1.47(a).

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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KENNETH M. KOSAK
3194 S. 4400 W.
West Valley City UT 84120

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DEC 14 2007

OFFICE OF PETITIONS

In re Application of	:	
KENNETH M. KOSAK	:	
Application No. 10/923112	:	
Filing or 371(c) Date: 08/21/2004	:	ON PETITION
Title of Invention: CHLOROQUINE	:	
COUPLED NUCLEIC ACIDS AND	:	
METHODS FOR THEIR SYNTHESIS	:	

This is a decision on the petition to revive the application under the unintentional provisions of 37 CFR 1.137(b), filed November 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 October 11, 2006. 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 12, 2006. A Notice of Abandonment was mailed June 6, 2007.

Applicant files the present petition and includes an Amendment in response to the Office action. The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that the petition includes (1) the reply; (2) the petition fee; and (3) the required statement of unintentional delay[1]. Accordingly, the reply is accepted as having been unintentionally delayed.

The application is being referred to Technology Center Art Unit 1635 for processing of the Amendment/reply filed with the petition in due course.

[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." 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) 272-3232.

Derek L. Woods
Attorney
Office of Petitions

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William J. Wood
Gates & Cooper LLP
Howard Hughes Center
6701Center Drive West, Suite 1050
Los Angeles, CA 90045

Mail Date: 04/21/2010

Applicant	: Randy W. Adair	: DECISION ON REQUEST FOR
Patent Number	: 7628782	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/923,133	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/20/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **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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LEGAL DEPARTMENT
47690 EAST ANCHOR COURT
PLYMOUTH MI 48170-2455

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OFFICE OF PETITIONS

In re Application of	:	
Jesse N. Nelson	:	
Application No. 10/923138	:	DECISION ON PETITION
Filing or 371(c) Date: 08/19/2004	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 06-0906/CPB(8470H-000006/	:	

This is a decision on the petition under 37 CFR § 1.78(a)(3), filed April 30, 2008, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for benefit of priority to the prior-filed application set forth in the concurrently filed Application Data Sheet.

The petition is **DISMISSED AS MOOT**.

The petition is accompanied by an Application Data Sheet to include a reference to the prior-filed application. While a reference to the prior-filed nonprovisional application was not included in an Application Data Sheet (ADS) or in the first sentence of the specification following the title as required by the rules, a reference, nevertheless, was made in the transmittal letter filed with the application.

Where a claim for priority under 37 CFR § 1.78(a)(3) is not included in the first sentence of the specification or in an ADS but does appear either in the oath or declaration or a transmittal letter filed with the application and the Office notes the claim for priority, no petition will be required to accept a late claim for priority. This is because the application would have been scheduled for publication on the basis of the information concerning the claim submitted elsewhere in the application within the time period set forth in 37 CFR § 1.78(a)(2)(ii). On the other hand, if the USPTO does not note the claim for priority to the prior-filed applications set forth in the oath or declaration or transmittal letter submitted with the application, a petition will be required to accept a late claim for priority under 37 CFR § 1.78(a)(3).[1] In the present case, the Office noted the claim for priority to the prior-filed application in the transmittal letter filed with the application, as shown by their inclusion on the filing receipt.

[1] *Note* MPEP 201.11 (III)(D) and 66 Federal Register 67087 at 67089 (Dec. 28, 2001), effective December 28, 2001.

In view of the above, the $1410 petition fee submitted is unnecessary and will be refunded to petitioner's deposit account in due course.

Any questions concerning this decision on petition may be directed to Derek Woods at (571) 272-3232. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being referred to Technology Center AU 1616 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.

Anthony Knight
Supervisor
Office of Petitions

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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
10/923,138	08/19/2004	1616	428	06-0906/CPB(8470H-000006/	16	4

CONFIRMATION NO. 3400

CORRECTED FILING RECEIPT

29293
FREUDENBERG-NOK GENERAL PARTNERSHIP
LEGAL DEPARTMENT
47690 EAST ANCHOR COURT
PLYMOUTH, MI 48170-2455

OC000000029695833

Date Mailed: 05/02/2008

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)

Jesse N. Nelson, Oxnard, CA;

Power of Attorney: The patent practitioners associated with Customer Number 29293

Domestic Priority data as claimed by applicant

This application is a CIP of 09/833,961 04/11/2001 ABN

Foreign Applications

If Required, Foreign Filing License Granted: 10/18/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 10/923,138**

Projected Publication Date: Not Applicable

Non-Publication Request: No

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

Title

ANTIMICROBIAL ELASTOMER COMPOSITION AND METHOD FOR MAKING

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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NOV 0 2 2006

OFFICE OF PETITIONS

James E. Chapman
3621 Larchmont Sq. Ln.
Sacramento, CA 95821

In re Application of :
Chapman : DECISION ON PETITION
Application No. 10/923,169 :
Filed: August 20, 2004 :
Docket No.: GATE CLOSING TIMER FOR :
SECURITY GATE OVERRIDE SYSTEM :

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed July 21, 2006.

The petition is hereby **GRANTED**.

This application became abandoned June 11, 2006 for failure to timely submit a proper reply to the Notice of Allowance (Notice) mailed March 10, 2006. Notice of Abandonment was mailed July 13, 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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ROBERT A. KENT
P.O. BOX 1431
DUNCAN, OK 73536

Mail Date: 04/20/2010

Applicant	: Juanita M. Cassidy	: DECISION ON REQUEST FOR
Patent Number	: 7651982	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/923,172	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/21/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **554** 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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Stephen H. Doctor
MCDONNELL BOEHNEN HULBET & BERGHOFF
300 South Wacker
Suite 3200
Chicago, IL 60606

In re Application of:	:	
SIRNA THERAPEUTICS, INC.	:	
PCT No.: PCT/US02/15876	:	DECISION ON PETITION
International Filing Date: 17 May 2002	:	UNDER 37 CFR 1.10
Priority Date: 18 May 2001	:	
Attorney's Docket No.: 02-312-PCT;600.019	:	
For: CONJUGATES AND COMPOSITIONS FOR	:	
CELLULAR DELIVERY	:	

This decision is issued in response to the "Petition To Accord Express Mail 'Date In' As Filing Date" filed 03 August 2004, treated herein under 37 CFR 1.10(c). The petition seeks to correct the international filing date to 17 May 2002. No petition fee is required.

BACKGROUND

Applicant initiated this international application by filing a Request (Form PCT/RO/101) and accompanying materials via "Express Mail" label number EL602855817US. The transmittal letter filed with the application materials lists this "Express Mail" label number, and identifies the date of deposit as 17 May 2002.

On 20 June 2002, the RO/US mailed a "Notification Of The International Application Number And Of The International Filing Date" (Form PCT/RO/105) identifying 20 May 2002 as the international filing date.

On 03 August 2004, applicant filed the petition considered herein. The petition seeks correction of the international filing date to 17 May 2002, the date on which applicant claims the application was deposited with the USPS. The submission includes, among other materials, a copy of the customer receipt for Express Mail label number EL602855817US, which bears a "date in" of 17 May 2002.

DISCUSSION

The present international application was accorded an international filing date of 20 May 2002. Applicant asserts that the proper international filing date is 17 May 2002, the date on which the Express Mail envelope containing the application materials was deposited with the USPS. As noted above, applicant has supplied a copy of the customer receipt for the Express

Mail envelope bearing a "date in" of 17 May 2002, and the Express Mail label number for this envelope was identified on the transmittal letter filed with the application papers. In addition, the USPTO Express Mail database identifies 17 May 2002 as the date on which this Express Mail envelope was accepted by the USPS.

Based on applicant's statements, the Express Mail database acceptance date of 17 May 2002, and the 17 May 2002 "date in" entered by the USPS on the Express Mail label, it is concluded that the present application was deposited as "Express Mail" with the USPS on 17 May 2002. Accordingly, pursuant to 37 CFR 1.10(c), the international filing date is appropriately corrected to 17 May 2002.

CONCLUSION

Applicant's petition for correction of the international filing date is **GRANTED**.

The international filing date is corrected to **17 May 2002**. The "Notification Of The International Application Number And Of The International Filing Date" (Form PCT/RO/105) mailed 20 June 2002, which identified 20 May 2002 as the international filing date, is hereby **VACATED**.

A corrected "Notification Of The International Application Number And Of The International Filing Date" (Form PCT/RO/105) which correctly identifies the international filing date as **17 May 2002** is issued herewith. Copies of this decision and the corrected Form PCT/RO/105 will be forwarded to the International Bureau.

This application is being forwarded to the RO/US for further processing in accordance with this decision.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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PERKINS COIE LLP
POST OFFICE BOX 1208
SEATTLE, WA 98111-1208

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OFFICE OF PETITIONS

In re Application of	:	
James M. Lipton et al	:	
Application No. 10/923,190	:	DECISION ON PETITION
Filed: August 20, 2004	:	TO WITHDRAW
Attorney Docket No. 54275.8010.US01	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 31, 2006.

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

A review of the file record indicates that the power of attorney to the firm of Perkins Coie LLP, having Customer Number 34055, has been revoked by the assignee of the patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.136(b) is moot.

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

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-3218.

Frances Hicks
Petitions Examiner
Office of Petitions

cc:

Dykema Gossett PLLC
10 S. Wacker Drive
Suite 2300
Chicago, IL 60606

27 JAN 2005

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Stephen H. Doctor
MCDONNELL BOEHNEN HULBET & BERGHOFF
300 South Wacker
Suite 3200
Chicago, IL 60606

In re Application of:
SIRNA THERAPEUTICS, INC.
PCT No.: PCT/US02/15876
International Filing Date: 17 May 2002
Priority Date: 18 May 2001
Attorney's Docket No.: 02-312-PCT;600.019
For: CONJUGATES AND COMPOSITIONS FOR CELLULAR DELIVERY

DECISION ON PETITION UNDER 37 CFR 1.10

This decision is issued in response to the "Petition To Accord Express Mail 'Date In' As Filing Date" filed 03 August 2004, treated herein under 37 CFR 1.10(c). The petition seeks to correct the international filing date to 17 May 2002. No petition fee is required.

BACKGROUND

Applicant initiated this international application by filing a Request (Form PCT/RO/101) and accompanying materials via "Express Mail" label number EL602855817US. The transmittal letter filed with the application materials lists this "Express Mail" label number, and identifies the date of deposit as 17 May 2002.

On 20 June 2002, the RO/US mailed a "Notification Of The International Application Number And Of The International Filing Date" (Form PCT/RO/105) identifying 20 May 2002 as the international filing date.

On 03 August 2004, applicant filed the petition considered herein. The petition seeks correction of the international filing date to 17 May 2002, the date on which applicant claims the application was deposited with the USPS. The submission includes, among other materials, a copy of the customer receipt for Express Mail label number EL602855817US, which bears a "date in" of 17 May 2002.

DISCUSSION

The present international application was accorded an international filing date of 20 May 2002. Applicant asserts that the proper international filing date is 17 May 2002, the date on which the Express Mail envelope containing the application materials was deposited with the USPS. As noted above, applicant has supplied a copy of the customer receipt for the Express

Mail envelope bearing a "date in" of 17 May 2002, and the Express Mail label number for this envelope was identified on the transmittal letter filed with the application papers. In addition, the USPTO Express Mail database identifies 17 May 2002 as the date on which this Express Mail envelope was accepted by the USPS.

Based on applicant's statements, the Express Mail database acceptance date of 17 May 2002, and the 17 May 2002 "date in" entered by the USPS on the Express Mail label, it is concluded that the present application was deposited as "Express Mail" with the USPS on 17 May 2002. Accordingly, pursuant to 37 CFR 1.10(c), the international filing date is appropriately corrected to 17 May 2002.

CONCLUSION

Applicant's petition for correction of the international filing date is **GRANTED**.

The international filing date is corrected to **17 May 2002**. The "Notification Of The International Application Number And Of The International Filing Date" (Form PCT/RO/105) mailed 20 June 2002, which identified 20 May 2002 as the international filing date, is hereby **VACATED**.

A corrected "Notification Of The International Application Number And Of The International Filing Date" (Form PCT/RO/105) which correctly identifies the international filing date as **17 May 2002** is issued herewith. Copies of this decision and the corrected Form PCT/RO/105 will be forwarded to the International Bureau.

This application is being forwarded to the RO/US for further processing in accordance with this decision.

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

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ROBERT E. KREBS
THELEN REID & PRIEST LLP
P.O. BOX 640640
SAN JOSE, CA 95164-0640

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OFFICE OF PETITIONS

In re Application of
Alexei Potashnik, et al.
Application No. 10/923,208
Filed: August 20, 2004
Attorney Docket No. 034421-000186

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 December 12, 2006 and the renewed petition filed March 29, 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, "transfer of IP files", does not meet any of the conditions set forth in 37 CFR 10.40.

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

There is an outstanding Office action mailed April 6, 2007 that requires a reply from the applicant.

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

April M. Wise
Petitions Examiner
Office of Petitions

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

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UNITED STATES DEPARTMENT OF COMMERCE
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KENYON & KENYON LLP
1500 K STREET N.W.
WASHINGTON, DC 20005

Mail Date: 04/21/2010

Applicant	: Papineni Venkata Narayana	: DECISION ON REQUEST FOR
Patent Number	: 7620937	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/923,215	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/20/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **920** 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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TRASK BRITT
PO BOX 2550
SALT LAKE CITY UT 84110

In re Application of	:	
Mark A. Jaso	:	
Application No. 10/923,233	:	DECISION ON PETITIONS
Filed: August 19, 2004	:	
Attorney Docket No. 2269-5521.1US	:	

This is a decision on the "PETITION FOR REMOVAL AND REQUEST FOR REFUND", filed September 27, 2007, which is being treated as a petition under 37 CFR 1.181.

The petition is **GRANTED**.

As the instant application is an Image File Wrapper (IFW), the petition for removal of the Appeal Brief has been effectuated by closing the record concerned to the public.

The $500 fee for the Appeal Brief inadvertently submitted in the instant application has been refunded to Deposit Account No. 20-1469.

The matter is being forwarded to Group Art Unit 1795 for examination in due course.

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

Cliff Congo
Petitions Attorney
Office of Petitions

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GALLAGHER & DAWSEY CO., L.P.A.
P.O. BOX 785
COLUMBUS, OH 43216

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OFFICE OF PETITIONS

In re Application of
Alberto Gorrochategui Barueta, et al.
Application No. 10/923,237
Filed: August 20, 2004
Attorney Docket No. CNTK-040101.001

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 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 Michael J. Gallagher on behalf of all attorneys of record who are associated with customer No. 34142.

All attorneys/agents associated with the Customer Number 34142 have been withdrawn.

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

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

There is an outstanding Office action mailed February 8, 2007 that requires a reply from the applicant.

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

April M. Wise
Petitions Examiner
Office of Petitions

cc: ALBERTO GORROCHATEGUI BARRUETA
C/ JAEN, 101 B
46012 BILBAO VIZCAYA
SPAIN

cc: JOSU SIMON ELIZUNDIA
C. JAEN, 101 B.
46012 BILBAO BIZCAYA
SPAIN

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/923,237	08/20/2004	Alberto Gorrochategui Barrueta	CNTK-040101.001

CONFIRMATION NO. 4206

POWER OF ATTORNEY NOTICE

34142
GALLAGHER & DAWSEY CO., L.P.A.
P.O. BOX 785
COLUMBUS, OH 43216

OC000000026603963

Date Mailed: 11/05/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/05/2007.

- 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.

/amwise/

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

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OFFICE OF PETITIONS

In re Application of
Charles H. Dennison et al
Application No. 10/923,242
Filed: August 19, 2004
Attorney Docket No. 2269-5081.6US(91-0463.11)

DECISION GRANTING PETITION
UNDER 37 CFR 1.313(c)(2)

This is a decision on the petition, filed May 16, 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 April 24, 2007 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3218.

This matter is being referred to Technology Center AU 2812 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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ROPES & GRAY LLP
PATENT DOCKETING 39/361
1211 AVENUE OF THE AMERICAS
NEW YORK, NY 10036-8704

Mail Date: 04/21/2010

Applicant	: Robert A. Knee	: DECISION ON REQUEST FOR
Patent Number	: 7634786	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/923,263	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/20/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1096** 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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DARBY & DARBY P.C.
P.O. BOX 5257
NEW YORK, NY 10150-5257

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OFFICE OF PETITIONS

ON PETITION

In re Application of :
Shivinder S. Grewal et al :
Application No. 10/923,268 :
Filed: August 20, 2004 :
Attorney Docket No. 04375/100M620-US1 :

This is a decision on the petition under 37 CFR 1.182, filed January 24, 2005, to change the order of the names of the inventors.

The petition is **granted**.

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

1. Shivinder S. Grewal
2. Thomas Volpe
3. Ira M. Hall
4. Catherine Kidner
5. Robert A. Martienssen

A corrected filing receipt is enclosed.

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

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

Wan Laymon
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Attachment: Corrected Filing Receipt

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OSHA LIANG LLP/Oracle
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON, TX 77010

Mail Date: 04/20/2010

Applicant	: Kenneth Shirriff	: DECISION ON REQUEST FOR
Patent Number	: 7606785	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/923,291	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/20/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1438** 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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THREE LITTLE FALLS CENTRE/1052
2801 CENTERVILLE ROAD
WILMINGTON DE 19808

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OFFICE OF PETITIONS

ON PETITION

In re Application of :
Thomas E. Schmitt :
Application No. 10/923,301 :
Filed: August 20, 2004 :
Attorney Docket No. 2003/12 :

This is a decision on the petition to withdraw the holding of abandonment, filed July 30, 2007, under 37 CFR 1.181.

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

The application was held abandoned on February 17, 2007, for failure to timely a response to the non-Final Office Action mailed November 16, 2006. A three (3) month period for reply was set. Accordingly, a Notice of Abandonment was mailed on June 27, 2007.

Petitioner asserts that a proper response in the form of an amendment was filed on February 12, 2007. Submitted as proof is a a copy of the response, and a copy of the certificate of facsimile transmission dated February 12, 2007, pursuant to 37 CFR 1.8.

A search of the application file and the USPTO records reveals that in fact, an amendment was timely and that the amendment was not entered because the response did not place the application in condition for allowance. Since the office action was non-Final, the advisory action mailed May 11, 2007 was sent in error. In view thereof, the Notice of Abandonment was mailed in error and will be withdrawn.

No petition fee is due and none has been charged. .

This matter is being referred to Technology Center 1771 for treatment of the response filed February 12, 2007.

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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MUETING, RAASCH & GEBHARDT, P.A.
P.O. BOX 581415
MINNEAPOLIS MN 55458

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OFFICE OF PETITIONS

Applicant: Derderian et al.
Appl. No.: 10/923,315
Filing Date: August 20, 2004
Title: SYSTEMS AND METHODS FOR FORMING NIOBIUM AND/OR VANADIUM CONTAINING LAYERS USING ATOMIC LAYER DEPOSITION
Attorney Docket No.: 150.0140101
Pub. No.: US 2006/0040480 A1
Pub. Date: February 23, 2006

This is a decision on the request for corrected of patent application publication under 37 CFR 1.221(b), received on March 9, 2006, for the above-identified application.

The request is granted.

The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

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

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

21 JAN 2005

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10 923330

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Stephen H. Doctor
MCDONNELL BOEHNEN HULBET & BERGHOFF
300 South Wacker
Suite 3200
Chicago, IL 60606

In re Application of:	:	
SIRNA THERAPEUTICS, INC.	:	
PCT No.: PCT/US02/15876	:	DECISION ON PETITION
International Filing Date: 17 May 2002	:	UNDER 37 CFR 1.10
Priority Date: 18 May 2001	:	
Attorney's Docket No.: 02-312-PCT;600.019	:	
For: CONJUGATES AND COMPOSITIONS FOR	:	
CELLULAR DELIVERY	:	

This decision is issued in response to the "Petition To Accord Express Mail 'Date In' As Filing Date" filed 03 August 2004, treated herein under 37 CFR 1.10(c). The petition seeks to correct the international filing date to 17 May 2002. No petition fee is required.

BACKGROUND

Applicant initiated this international application by filing a Request (Form PCT/RO/101) and accompanying materials via "Express Mail" label number EL602855817US. The transmittal letter filed with the application materials lists this "Express Mail" label number, and identifies the date of deposit as 17 May 2002.

On 20 June 2002, the RO/US mailed a "Notification Of The International Application Number And Of The International Filing Date" (Form PCT/RO/105) identifying 20 May 2002 as the international filing date.

On 03 August 2004, applicant filed the petition considered herein. The petition seeks correction of the international filing date to 17 May 2002, the date on which applicant claims the application was deposited with the USPS. The submission includes, among other materials, a copy of the customer receipt for Express Mail label number EL602855817US, which bears a "date in" of 17 May 2002.

DISCUSSION

The present international application was accorded an international filing date of 20 May 2002. Applicant asserts that the proper international filing date is 17 May 2002, the date on which the Express Mail envelope containing the application materials was deposited with the USPS. As noted above, applicant has supplied a copy of the customer receipt for the Express

Mail envelope bearing a "date in" of 17 May 2002, and the Express Mail label number for this envelope was identified on the transmittal letter filed with the application papers. In addition, the USPTO Express Mail database identifies 17 May 2002 as the date on which this Express Mail envelope was accepted by the USPS.

Based on applicant's statements, the Express Mail database acceptance date of 17 May 2002, and the 17 May 2002 "date in" entered by the USPS on the Express Mail label, it is concluded that the present application was deposited as "Express Mail" with the USPS on 17 May 2002. Accordingly, pursuant to 37 CFR 1.10(c), the international filing date is appropriately corrected to 17 May 2002.

CONCLUSION

Applicant's petition for correction of the international filing date is **GRANTED**.

The international filing date is corrected to **17 May 2002**. The "Notification Of The International Application Number And Of The International Filing Date" (Form PCT/RO/105) mailed 20 June 2002, which identified 20 May 2002 as the international filing date, is hereby **VACATED**.

A corrected "Notification Of The International Application Number And Of The International Filing Date" (Form PCT/RO/105) which correctly identifies the international filing date as **17 May 2002** is issued herewith. Copies of this decision and the corrected Form PCT/RO/105 will be forwarded to the International Bureau.

This application is being forwarded to the RO/US for further processing in accordance with this decision.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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PATTON BOGGS LLP
1801 CALFORNIA STREET
SUITE 4900
DENVER CO 80202

COPY MAILED

JUL 18 2007

OFFICE OF PETITIONS

In re Application of	:	
Wagner, Gregg A.	:	
Application No. 10/923,339	:	DECISION GRANTING PETITION
Filed: August 20, 2004	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 013183.0332PTUS	:	

This is a decision on the petition under 37 CFR 1.78(a)(3), filed June 18, 2007, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to prior-filed nonprovisional Application No. 10/228,577, filed August 27, 2002, as set forth in the amendment filed concurrently with the instant petition.

The petition is **GRANTED**.

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

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

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

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

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

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

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3282.

This application is being forwarded to Technology Center Art Unit 2886 for appropriate action on the amendment filed June 18, 2007, including consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed nonprovisional application.

Liana Walsh
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	TOT CLMS	IND CLMS
10/923,339	08/20/2004	2886	1290	013183.0332PTUS	25	8

CONFIRMATION NO. 4929

CORRECTED FILING RECEIPT

OC000000024860701

24283
PATTON BOGGS LLP
1801 CALFORNIA STREET
SUITE 4900
DENVER, CO 80202

Date Mailed: 07/17/2007

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

Applicant(s)

Gregg A. Wagner, Boulder, CO;

Assignment For Published Patent Application

Particle Measuring Systems, Inc., Boulder, CO

Power of Attorney: The patent practitioners associated with Customer Number **24283**.

Domestic Priority data as claimed by applicant

This application is a CIP of 10/228,577 08/27/2002 PAT 6,859,277

Foreign Applications

If Required, Foreign Filing License Granted: 10/19/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/923,339

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Particle counter with laser diode

Preliminary Class

356

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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GREENLEE WINNER AND SULLIVAN P C
4875 PEARL EAST CIRCLE
SUITE 200
BOULDER, CO 80301

Mail Date: 04/21/2010

Applicant	: Gregg A. Wagner	: DECISION ON REQUEST FOR
Patent Number	: 7576857	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/923,339	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/20/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **844** 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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GREENLEE WINNER AND SULLIVAN P C
4875 PEARL EAST CIRCLE
SUITE 200
BOULDER, CO 80301

Mail Date: 05/18/2010

Applicant : Gregg A. Wagner
Patent Number : 7576857
Issue Date : 08/18/2009
Application No : 10/923,339
Filed : 08/20/2004

: NOTICE CONCERNING IMPROPER
: CALCULATION OF PATENT TERM
: ADJUSTMENT BASED UPON USPTO
: IMPROPERLY MEASURING REDUCTION
: PERIOD UNDER 37 CFR 1.704(c)(10).

The United States Patent and Trademark Office (USPTO) discovered that in processing the recent recalculation decisions mailed in response to patentee's filed Request for Recalculation of Patent Term Adjustment in view of Wyeth, the USPTO improperly measured the reduction period for reductions under 37 CFR 1.704(c)(10). Pursuant to 37 CFR 1.704(c)(10), patentee's reduction begins on the date of filing the amendment under 37 CFR 1.312 ("1.312 amendment") or other related paper and ends on the date that the Office mails a response to the filing of the 1.312 amendment or other paper. It has been discovered that during the recalculation, the calculation failed to the limit the reduction to the mail date of the response to the 1.312 amendment or other paper. Accordingly, patentee's reductions were greater than warranted.

This notice **VACATES** the previous GRANTED request for recalculation and provides patentee with a revised GRANTED recalculation.

The patent term adjustment has been determined to be **893** 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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SAND & SEBOLT
AEGIS TOWER, SUITE 1100
4940 MUNSON STREET, NW
CANTON OH 44718-3615

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SEP 15 2008

In re Application of	:	
WILSON, Tammy L.	:	
Application No. 10/923,350	:	DECISION ON PETITION
Filed: August 20, 2004	:	TO WITHDRAW
Attorney Docket No. **1579033US2AP**	:	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 12, 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 Joseph A. Sebolt on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

There is an outstanding Office action mailed March 17, 2008 that requires a reply from the applicant.

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

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **TAMMY L. WILSON**
1760 HEATHRIDGE COURT
LAWRENCEVILLE, GA 30043

cc: **VISION GAMING & TECHNOLOGY, INC.**
2055 BOGGS ROAD
DULUTH, GA 30096-4690

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Mark S. Peloquin, Esq.
Peloquin, PLLC
800 Fifth Avenue, Suite 4100
Seattle WA 98104

4/3/08

In re Application of:	Airola et al.	:
Appl. No.:	10/923,353	: DECISION ON PETITION
Filed:	August 20, 2004	: UNDER 37 C.F.R. §
Attorney Docket:	051004.P001	: 1.84(a)(2) TO ACCEPT
For:	INTERACTIVE MEDICAL PROCEDURE TRAINING	: COLOR DRAWINGS

This is a decision on the petition filed on August 20, 2004 by which petitioners request acceptance of color drawings. The petition is considered pursuant to 37 C.F.R. §1.84(a)(2) and a fee of $130 is required.

A grantable petition under 37 C.F.R. §1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. §1.17(h), three (3) sets of the color drawings in question, a black and white photocopy of said drawings. The color drawings must be of sufficient quality such that all details in the drawings are reproducible in black and white in the printed patent. The specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of drawings:

"The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

Review of the application and of the claims shows that submitted drawings indicates that all the necessary details of at least Figures 4B, 5A and 6-10 cannot be clearly reproduced in black and white, as required by 37 C.F.R. §1.84(a)(2).

Applicant's submission does not meet all the criteria set out above. Accordingly, the petition is DENIED.

Xuan M. Thai
SPE, Art Unit 3714

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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Stephen H. Doctor
MCDONNELL BOEHNEN HULBET & BERGHOFF
300 South Wacker
Suite 3200
Chicago, IL 60606

In re Application of: SIRNA THERAPEUTICS, INC. PCT No.: PCT/US02/15876 International Filing Date: 17 May 2002 Priority Date: 18 May 2001 Attorney's Docket No.: 02-312-PCT;600.019 For: CONJUGATES AND COMPOSITIONS FOR CELLULAR DELIVERY	DECISION ON PETITION UNDER 37 CFR 1.10

This decision is issued in response to the "Petition To Accord Express Mail 'Date In' As Filing Date" filed 03 August 2004, treated herein under 37 CFR 1.10(c). The petition seeks to correct the international filing date to 17 May 2002. No petition fee is required.

BACKGROUND

Applicant initiated this international application by filing a Request (Form PCT/RO/101) and accompanying materials via "Express Mail" label number EL602855817US. The transmittal letter filed with the application materials lists this "Express Mail" label number, and identifies the date of deposit as 17 May 2002.

On 20 June 2002, the RO/US mailed a "Notification Of The International Application Number And Of The International Filing Date" (Form PCT/RO/105) identifying 20 May 2002 as the international filing date.

On 03 August 2004, applicant filed the petition considered herein. The petition seeks correction of the international filing date to 17 May 2002, the date on which applicant claims the application was deposited with the USPS. The submission includes, among other materials, a copy of the customer receipt for Express Mail label number EL602855817US, which bears a "date in" of 17 May 2002.

DISCUSSION

The present international application was accorded an international filing date of 20 May 2002. Applicant asserts that the proper international filing date is 17 May 2002, the date on which the Express Mail envelope containing the application materials was deposited with the USPS. As noted above, applicant has supplied a copy of the customer receipt for the Express

Mail envelope bearing a "date in" of 17 May 2002, and the Express Mail label number for this envelope was identified on the transmittal letter filed with the application papers. In addition, the USPTO Express Mail database identifies 17 May 2002 as the date on which this Express Mail envelope was accepted by the USPS.

Based on applicant's statements, the Express Mail database acceptance date of 17 May 2002, and the 17 May 2002 "date in" entered by the USPS on the Express Mail label, it is concluded that the present application was deposited as "Express Mail" with the USPS on 17 May 2002. Accordingly, pursuant to 37 CFR 1.10(c), the international filing date is appropriately corrected to 17 May 2002.

CONCLUSION

Applicant's petition for correction of the international filing date is **GRANTED**.

The international filing date is corrected to **17 May 2002**. The "Notification Of The International Application Number And Of The International Filing Date" (Form PCT/RO/105) mailed 20 June 2002, which identified 20 May 2002 as the international filing date, is hereby **VACATED**.

A corrected "Notification Of The International Application Number And Of The International Filing Date" (Form PCT/RO/105) which correctly identifies the international filing date as **17 May 2002** is issued herewith. Copies of this decision and the corrected Form PCT/RO/105 will be forwarded to the International Bureau.

This application is being forwarded to the RO/US for further processing in accordance with this decision.

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

PATENT COOPERATION TREATY

From the RECEIVING OFFICE

To:
STEPHEN H. DOCTER
MCDONNELL BOEHNEN HULBERT & BERGHOFF
SUITE 3200
CHICAGO, ILLINOIS 60606

PCT

NOTIFICATION OF THE INTERNATIONAL APPLICATION NUMBER AND OF THE INTERNATIONAL FILING DATE

(PCT Rule 20.5(c))

Date of mailing (day/month/year): 27 JAN 2005

Applicant's or agent's file reference: 02-312-PCT;600.019

IMPORTANT NOTIFICATION

International application No.	International filing date (day/month/year)	Priority date (day/month/year)
PCT/US02/15876	17 May 2002	18 May 2001

Applicant: SIRNA THERAPEUTICS, INC.

Title of the invention: CONJUGATES AND COMPOSITIONS FOR CELLULAR DELIVERY

1. The applicant is hereby notified that the international application has been accorded the international application number and the international filing date indicated above.

2. The applicant is further notified that the record copy of the international application:

[x] was transmitted to the International Bureau on 20 June 2002.

[ ] has not yet been transmitted to the International Bureau for the reason indicated below and a copy of this notification has been sent to the International Bureau*:

[ ] because the necessary national security clearance has not yet been obtained.

[ ] because (reason to be specified):

* The International Bureau monitors the transmittal of the record copy by the receiving Office and will notify the applicant (with Form PCT/IB/301) of its receipt. Should the record copy not have been received by the expiration of 14 months from the priority date, the International Bureau will notify the applicant (Rule 22.1(c)).

3. FOREIGN TRANSMITTAL LICENSE INFORMATION — Completed by: JM

[ ] Additional license for foreign transmittal not required. This subject matter is covered by a license already granted or the equivalent U.S. national application. Refer to that license for information concerning its scope.

[ ] License for foreign transmittal not required. 37 CFR 5.11(e)(1) or 37 CFR 5.11(e)(2). However, a license may be required for additional subject matter. See 37 CFR 5.15(b).

[x] Foreign transmittal license granted. 35 U.S.C. 184; 37 CFR 5.11 on 15 June 2002 (date):

[ ] 37 CFR 5.15(a) [x] 37 CFR 5.15(b)

Name and mailing address of the receiving Office	Authorized officer
Mail Stop PCT, Commissioner for Patents P.O. Box 1450, Alexandria, VA 22313-1450	Richard Ross RR
Facsimile No. 703-305-3230	Telephone No. 571-272-3296

Form PCT/RO/105 (July 1992)

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PERKINS COIE LLP
PATENT-SEA
P.O. BOX 1247
SEATTLE WA 98111-1247

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MAR 19 2007

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Tongbi Jiang et al :
Application No. 10/923,360 :
Filed: August 20, 2004 :
Attorney Docket No. 108298503US1 :

This is a decision on the petition, filed March 16, 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 February 26, 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) 272-3208.

The examiner of Technology Center AU 2818 will consider the request for continued examination under 37 CFR 1.114.

Karen Creasy
Petitions Examiner
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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AKERMAN SENTERFITT
P.O. BOX 3188
WEST PALM BEACH FL 33402-3188

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SEP 1 2 2007

OFFICE OF PETITIONS

In re Application of :
Eckhard R. PODACK :
Application No. 10/923,373 :
Filed: August 20, 2004 :
Attorney Docket No. 7230-12-1 :

ON PETITION

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

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures mailed May 31, 2005, which set a shortened statutory period for reply of two (2) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on August 1, 2005.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of a Preliminary Amendment and Sequence Listing; (2) the petition fee of $750; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of May 31, 2005 is accepted as having been unintentionally delayed.

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

The application file is being referred to the Office of Initial Patent Examination for appropriate action on the concurrently filed response.

Telephone inquiries concerning this decision should be directed to Brian Sines at (571) 272-6051 or in his absence, the undersigned at (571) 272-7099.

David Bucci
Petitions Examiner
Office of Petitions

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Michael P. Adams
Winstead Sechrest & Minick P.C.
P.O. Box 50784
Dallas, TX 75201

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JUL 29 2009

OFFICE OF PETITIONS

In re Application of
Anthony Louis Lubrano
Application No. 10/923,375
Filed: August 20, 2004
Attorney Docket No. 39802-P006US

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), on February 23, 2009, to revive the above-identified application.

The application became abandoned for failure to respond to the Notice of Non-Compliant Amendment (37 CFR 1.121) mailed on May 8, 2008. A Notice of Abandonment was mailed December 17, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b), in that, petitioner has supplied (1) an amendment; (2) the petition fee of $810; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

This application file is being referred to Technology Center Art Unit 2169 for review of the amendment filed with the present petition.

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

Andrea Smith
Petitions Examiner
Office of Petitions

27 JAN 2005

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MAR 0 7 2005
PATENT & TRADEMARK OFFICE

Stephen H. Doctor
MCDONNELL BOEHNEN HULBET & BERGHOFF
300 South Wacker
Suite 3200
Chicago, IL 60606

In re Application of:	:	
SIRNA THERAPEUTICS, INC.	:	
PCT No.: PCT/US02/15876	:	DECISION ON PETITION
International Filing Date: 17 May 2002	:	UNDER 37 CFR 1.10
Priority Date: 18 May 2001	:	
Attorney's Docket No.: 02-312-PCT;600.019	:	
For: CONJUGATES AND COMPOSITIONS FOR	:	
CELLULAR DELIVERY	:	

This decision is issued in response to the "Petition To Accord Express Mail 'Date In' As Filing Date" filed 03 August 2004, treated herein under 37 CFR 1.10(c). The petition seeks to correct the international filing date to 17 May 2002. No petition fee is required.

BACKGROUND

Applicant initiated this international application by filing a Request (Form PCT/RO/101) and accompanying materials via "Express Mail" label number EL602855817US. The transmittal letter filed with the application materials lists this "Express Mail" label number, and identifies the date of deposit as 17 May 2002.

On 20 June 2002, the RO/US mailed a "Notification Of The International Application Number And Of The International Filing Date" (Form PCT/RO/105) identifying 20 May 2002 as the international filing date.

On 03 August 2004, applicant filed the petition considered herein. The petition seeks correction of the international filing date to 17 May 2002, the date on which applicant claims the application was deposited with the USPS. The submission includes, among other materials, a copy of the customer receipt for Express Mail label number EL602855817US, which bears a "date in" of 17 May 2002.

DISCUSSION

The present international application was accorded an international filing date of 20 May 2002. Applicant asserts that the proper international filing date is 17 May 2002, the date on which the Express Mail envelope containing the application materials was deposited with the USPS. As noted above, applicant has supplied a copy of the customer receipt for the Express

Mail envelope bearing a "date in" of 17 May 2002, and the Express Mail label number for this envelope was identified on the transmittal letter filed with the application papers. In addition, the USPTO Express Mail database identifies 17 May 2002 as the date on which this Express Mail envelope was accepted by the USPS.

Based on applicant's statements, the Express Mail database acceptance date of 17 May 2002, and the 17 May 2002 "date in" entered by the USPS on the Express Mail label, it is concluded that the present application was deposited as "Express Mail" with the USPS on 17 May 2002. Accordingly, pursuant to 37 CFR 1.10(c), the international filing date is appropriately corrected to 17 May 2002.

CONCLUSION

Applicant's petition for correction of the international filing date is **GRANTED**.

The international filing date is corrected to **17 May 2002**. The "Notification Of The International Application Number And Of The International Filing Date" (Form PCT/RO/105) mailed 20 June 2002, which identified 20 May 2002 as the international filing date, is hereby **VACATED**.

A corrected "Notification Of The International Application Number And Of The International Filing Date" (Form PCT/RO/105) which correctly identifies the international filing date as **17 May 2002** is issued herewith. Copies of this decision and the corrected Form PCT/RO/105 will be forwarded to the International Bureau.

This application is being forwarded to the RO/US for further processing in accordance with this decision.

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

PATENT COOPERATION TREATY

From the RECEIVING OFFICE

To:
STEPHEN H. DOCTER
MCDONNELL BOEHNEN HULBERT & BERGHOFF
SUITE 3200
CHICAGO, ILLINOIS 60606

PCT

NOTIFICATION OF THE INTERNATIONAL APPLICATION NUMBER AND OF THE INTERNATIONAL FILING DATE

(PCT Rule 20.5(c))

Date of mailing *(day/month/year)* 27 JAN 2005

Applicant's or agent's file reference
02-312-PCT;600.019

IMPORTANT NOTIFICATION

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/US02/15876	17 May 2002	18 May 2001

Applicant
SIRNA THERAPEUTICS, INC.

Title of the invention
CONJUGATES AND COMPOSITIONS FOR CELLULAR DELVERY

1. The applicant is hereby notified that the international application has been accorded the international application number and the international filing date indicated above.

2. The applicant is further notified that the record copy of the international application:

   [x] was transmitted to the International Bureau on 20 June 2002

   [ ] has not yet been transmitted to the International Bureau for the reason indicated below and a copy of this notification has been sent to the International Bureau*:

   [ ] because the necessary national security clearance has not yet been obtained.

   [ ] because *(reason to be specified)*:

* The International Bureau monitors the transmittal of the record copy by the receiving Office and will notify the applicant (with Form PCT/IB/301) of its receipt. Should the record copy not have been received by the expiration of 14 months from the priority date, the International Bureau will notify the applicant (Rule 22.1(c)).

3. FOREIGN TRANSMITTAL LICENSE INFORMATION Completed by: JM

   [ ] Additional license for foreign transmittal not required. This subject matter is covered by a license already granted or the equivalent U.S. national application. Refer to that license for information concerning its scope.

   [ ] License for foreign transmittal not required. 37 CFR 5.11(e)(1) or 37 CFR 5.11(e)(2). However, a license may be required for additional subject matter. See 37 CFR 5.15(b).

   [x] Foreign transmittal license granted. 35 U.S.C. 184; 37 CFR 5.11 on 15 June 2002 (date):

   [ ] 37 CFR 5.15(a) [x] 37 CFR 5.15(b)

Name and mailing address of the receiving Office	Authorized officer
Mail Stop PCT, Commissioner for Patents P.O. Box 1450, Alexandria, VA 22313-1450	Richard Ross RR
Facsimile No. 703-305-3230	Telephone No. 571-272-3296

Form PCT/RO/105 (July 1992)

27 JAN 2005

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DOCKETED
FEB 01 2005
DUE DATE
BY

Stephen H. Doctor
MCDONNELL BOEHNEN HULBET & BERGHOFF
300 South Wacker
Suite 3200
Chicago, IL 60606

In re Application of:
SIRNA THERAPEUTICS, INC.
PCT No.: PCT/US02/15876
International Filing Date: 17 May 2002
Priority Date: 18 May 2001
Attorney's Docket No.: 02-312-PCT;600.019
For: CONJUGATES AND COMPOSITIONS FOR CELLULAR DELIVERY

DECISION ON PETITION UNDER 37 CFR 1.10

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This decision is issued in response to the "Petition To Accord Express Mail 'Date In' As Filing Date" filed 03 August 2004, treated herein under 37 CFR 1.10(c). The petition seeks to correct the international filing date to 17 May 2002. No petition fee is required.

BACKGROUND

Applicant initiated this international application by filing a Request (Form PCT/RO/101) and accompanying materials via "Express Mail" label number EL602855817US. The transmittal letter filed with the application materials lists this "Express Mail" label number, and identifies the date of deposit as 17 May 2002.

On 20 June 2002, the RO/US mailed a "Notification Of The International Application Number And Of The International Filing Date" (Form PCT/RO/105) identifying 20 May 2002 as the international filing date.

On 03 August 2004, applicant filed the petition considered herein. The petition seeks correction of the international filing date to 17 May 2002, the date on which applicant claims the application was deposited with the USPS. The submission includes, among other materials, a copy of the customer receipt for Express Mail label number EL602855817US, which bears a "date in" of 17 May 2002.

DISCUSSION

The present international application was accorded an international filing date of 20 May 2002. Applicant asserts that the proper international filing date is 17 May 2002, the date on which the Express Mail envelope containing the application materials was deposited with the USPS. As noted above, applicant has supplied a copy of the customer receipt for the Express

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Mail envelope bearing a "date in" of 17 May 2002, and the Express Mail label number for this envelope was identified on the transmittal letter filed with the application papers. In addition, the USPTO Express Mail database identifies 17 May 2002 as the date on which this Express Mail envelope was accepted by the USPS.

Based on applicant's statements, the Express Mail database acceptance date of 17 May 2002, and the 17 May 2002 "date in" entered by the USPS on the Express Mail label, it is concluded that the present application was deposited as "Express Mail" with the USPS on 17 May 2002. Accordingly, pursuant to 37 CFR 1.10(c), the international filing date is appropriately corrected to 17 May 2002.

CONCLUSION

Applicant's petition for correction of the international filing date is **GRANTED**.

The international filing date is corrected to **17 May 2002**. The "Notification Of The International Application Number And Of The International Filing Date" (Form PCT/RO/105) mailed 20 June 2002, which identified 20 May 2002 as the international filing date, is hereby **VACATED**.

A corrected "Notification Of The International Application Number And Of The International Filing Date" (Form PCT/RO/105) which correctly identifies the international filing date as **17 May 2002** is issued herewith. Copies of this decision and the corrected Form PCT/RO/105 will be forwarded to the International Bureau.

This application is being forwarded to the RO/US for further processing in accordance with this decision.

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

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PATENT COOPERATION TREATY

From the RECEIVING OFFICE

To:
STEPHEN H. DOCTER
MCDONNELL BOEHNEN HULBERT & BERGHOFF
SUITE 3200
CHICAGO, ILLINOIS 60606

PCT

NOTIFICATION OF THE INTERNATIONAL APPLICATION NUMBER AND OF THE INTERNATIONAL FILING DATE

(PCT Rule 20.5(c))

Date of mailing (day/month/year): 27 JAN 2005

IMPORTANT NOTIFICATION

Applicant's or agent's file reference: 02-312-PCT;600.019		
International application No.: PCT/US02/15876	International filing date (day/month/year): 17 May 2002	Priority date (day/month/year): 18 May 2001
Applicant: SIRNA THERAPEUTICS, INC.		
Title of the invention: CONJUGATES AND COMPOSITIONS FOR CELLULAR DELVERY		

1. The applicant is hereby notified that the international application has been accorded the international application number and the international filing date indicated above.

2. The applicant is further notified that the record copy of the international application:

   [x] was transmitted to the International Bureau on 20 June 2002

   [ ] has not yet been transmitted to the International Bureau for the reason indicated below and a copy of this notification has been sent to the International Bureau*:

   [ ] because the necessary national security clearance has not yet been obtained.

   [ ] because *(reason to be specified)*:

* The International Bureau monitors the transmittal of the record copy by the receiving Office and will notify the applicant (with Form PCT/IB/301) of its receipt. Should the record copy not have been received by the expiration of 14 months from the priority date, the International Bureau will notify the applicant (Rule 22.1(c)).

3. FOREIGN TRANSMITTAL LICENSE INFORMATION — Completed by: JM

   [ ] Additional license for foreign transmittal not required. This subject matter is covered by a license already granted or the equivalent U.S. national application. Refer to that license for information concerning its scope.

   [ ] License for foreign transmittal not required. 37 CFR. 5.11(c)(1) or 37 CFR 5.11(c)(2). However, a license may be required for additional subject matter. See 37 CFR 5.15(b).

   [x] Foreign transmittal license granted. 35 U.S.C. 184; 37 CFR 5.11 on 15 June 2002 (date):

   [ ] 37 CFR 5.15(a) [x] 37 CFR 5.15(b)

Name and mailing address of the receiving Office Mail Stop PCT, Commissioner for Patents P.O. Box 1450, Alexandria, VA 22313-1450 Facsimile No. 703-305-3230	Authorized officer Richard Ross RR Telephone No. 571-272-3296

Form PCT/RO/105 (July 1992)

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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
10/923,388	08/21/2004	2624	770	A4078.041001	5	20	3

CONFIRMATION NO. 3411

CORRECTED FILING RECEIPT

OC000000015016474

46018
MICHELLE WAITES
MICHELLE WAITES ATTORNEY AT LAW PLLC
TIMES PLAZA STATION
PO BOX 170171
BROOKLYN, NY 11217

Date Mailed: 01/24/2005

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)

Xing Li, Webster, NY;
Daniel A. Mohabir, Walworth, NY;
Roger L. Triplett, Penfield, NY;

Assignment For Published Patent Application

Xerox Corporation

Power of Attorney:

Eugene Palazzo–20881
Ronald Chapuran–26402
Elizabeth Harasek–28850
Mark Costello–31342
Kevin Kepner–32145
Nola McBain–35782
Michelle Waites–40860

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 10/21/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/923,388

Projected Publication Date: 02/23/2006

Non-Publication Request: No

Early Publication Request: No

Title

Real-time processing of grayscale image data

Preliminary Class

382

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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STEVEN THRASHER
391 SANDHILL DRIVE
RICHARDSON, TX 75080

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MAY 1 4 2008

OFFICE OF PETITIONS

In re Application of :
Richard E. James III :
Application No. 10/923,394 : DECISION ON PETITION
Filed: August 31, 2004 :
Attorney Docket No. 1279.01A :

This is a decision on the petition, filed September 4, 2007, which is being treated as a petition under 37 CFR 1.181 (no fee), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Office action of January 17, 2007, which set a three (3) month shortened statutory period for reply. One-month extension of time under the provisions of 37 CFR 1.136(a) was obtained. A reply was due on or before May 17, 2007.

Petitioner states that a reply was in fact timely filed. To support this assertion, petitioner has submitted a copy of a return postcard which acknowledges receipt by the U.S. Patent and Trademark Office (USPTO) on May 21, 2007 (certificate of mailing May 17, 2007). A copy of the previously submitted reply accompanies the petition.

The One-month extension of time submitted on May 21, 2007 (certificate of mailing May 17, 2007) serial number is incorrect. The Office has applied the $60 extension of time fee to the correct serial number, which is Application No. 10/923,394.

The Office action response acknowledged as having been received in the USPTO on May 17, 2007 is not of record in the application file and has not to date been located. However, MPEP 503 states that "[a] post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO." Accordingly, it is concluded that the Office action response was timely received in the USPTO but lost after receipt thereof.

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

The copy of the reply supplied with the petition will be accepted in place of the reply shown to have been received by the USPTO on May 21, 2007.

This application is being referred to Technology Center AU 2163 for appropriate action in the normal course of business on the reply received with petition.

Irvin Dingle
Petition Examiner
Office of Petitions

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STEVEN THRASHER
391 SANDHILL DRIVE
RICHARDSON, TX 75080

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MAY 20 2008

OFFICE OF PETITIONS

In re Application of	:	
Marvin Elder	:	
Application No. 10/923,394	:	DECISION ON PETITION
Filed: August 20, 2004	:	
Attorney Docket No. 22003.00011	:	

CORRECTED DECISION

This is a decision on the petition, filed September 4, 2007, which is being treated as a petition under 37 CFR 1.181 (no fee), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Office action of January 17, 2007, which set a three (3) month shortened statutory period for reply. One-month extension of time under the provisions of 37 CFR 1.136(a) was obtained. A reply was due on or before May 17, 2007.

Petitioner states that a reply was in fact timely filed. To support this assertion, petitioner has submitted a copy of a return postcard which acknowledges receipt by the U.S. Patent and Trademark Office (USPTO) on May 21, 2007 (certificate of mailing May 17, 2007). A copy of the previously submitted reply accompanies the petition.

The One-month extension of time submitted on May 21, 2007 (certificate of mailing May 17, 2007) serial number is incorrect. The Office has applied the $60 extension of time fee to the correct serial number, which is Application No. 10/923,394.

The Office action response acknowledged as having been received in the USPTO on May 17, 2007 is not of record in the application file and has not to date been located. However, MPEP 503 states that "[a] post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO." Accordingly, it is concluded that the Office action response was timely received in the USPTO but lost after receipt thereof.

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

The copy of the reply supplied with the petition will be accepted in place of the reply shown to have been received by the USPTO on May 21, 2007.

The decision mailed May 14, 2008 is hereby vacated as of the mail date of this decision.

This application is being referred to Technology Center AU 2163 for appropriate action in the normal course of business on the reply received with petition.

Irvin Dingle
Petition Examiner
Office of Petitions

740 E. Campbell Rd., Suite 900
Richardson, Texas 75081
Main: 972-301-4686; Fax: 214-291-5991

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PATENT & TRADEMARK OFFICE

Thrasher Associates
www.thrasherassociates.com

Steven Thrasher
Direct Line: 972-918-9312
steven.thrasher@thrasherassociates.com

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICE OF PETITIONS

Applicant:	Marvin Elder	Art Unit:	2163
Serial No.:	10/923,394	Filed:	08/20/2004
Docket:	22003.00011		

For: **NATURAL LANGUAGE DATABASE QUERYING**

19 May 2008

Mr. Irvin Dingle
Office of Petitions
Commissioner for Patents,
P.O. Box 1450,
Alexandria, VA 22313-1450

MAILING CERTIFICATE UNDER 37 C.F.R. 1.8(A)
I hereby certify that the above correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to:
OFFICE OF PETITIONS
Commissioner for Patents,
P.O. Box 1450,
Alexandria, VA 22313-1450

Printed Name: Steven Thrasher
Signature: 19 May 2008

Dear Sir:

Please find enclosed a copy of the favorable DECISION ON PETITION, dated 14 May 2008, which we received in our office on Monday 19 May 2008.

It has come to our attention that there are certain discrepencies in the information on the Decision On Petition which require the following correction(s) to read as follows

1 - the Applicant's Name <u>should be Marvin Elder</u>

2 - the Filing Date <u>should be 08/20/2004</u>

3 - the Attorney Docket No. <u>should be 22003.00011</u>

Respectfully Submitted,

Steven W. Thrasher
Reg. No. 43,192
Attorney for Applicant

cc: Technology Center AU 2163

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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PATENT & TRADEMARK OFFICE

STEVEN THRASHER
391 SANDHILL DRIVE
RICHARDSON, TX 75080

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MAY 1 4 2008

OFFICE OF PETITIONS

In re Application of	:	
Richard E. James III	:	
Application No. 10/923,394	:	DECISION ON PETITION
Filed: August 31, 2004	:	
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Petitioner states that a reply was in fact timely filed. To support this assertion, petitioner has submitted a copy of a return postcard which acknowledges receipt by the U.S. Patent and Trademark Office (USPTO) on May 21, 2007 (certificate of mailing May 17, 2007). A copy of the previously submitted reply accompanies the petition.

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Irvin Dingle
Petition Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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STEVEN THRASHER
391 SANDHILL DR.
RICHARDSON, TX 75080

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OCT 19 2009

OFFICE OF PETITIONS

In re Application of :
Marvin Elder :
Application No. 10/923,394 : DECISION ON PETITION
Filed: August 20, 2004 :
Attorney Docket No. 22003.00011 :

This is a decision on the petition, filed August 24, 2009, which is being treated as a petition under 37 CFR 1.8(b), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Office action of October 16, 2008, which set a three (3) month shortened statutory period for reply. Three month extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, a reply was due on or before April 16, 2009.

Petitioner states that a timely reply was mailed via certificate of mailing on April 16, 2009, which included the following papers: Request for Continued Examination (RCE); amendment and three month extension of time. However, the papers mailed via certificate of mailing on April 16, 2009 included an incorrect serial number which was filed into an incorrect filed. The Office has moved the papers into to correct filed which is the above listed application.

The petition satisfies the above requirements of 37 CFR 1.8(b). Accordingly, the holding of abandonment for failure to timely file a reply to the Office action of October 16, 2008 is hereby withdrawn and the application restored to pending status.

This application is being referred to Technology Center AU 2159 for appropriate action in the normal course of business on the reply received April 21, 2009 (certificate of mailing April 16, 2009).

Irvin Dingle
Petitions Examiner
Office of Petitions

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MERCHANT & GOULD BELLSOUTH CORPORATION
P.O. BOX 2903
MINNEAPOLIS, MN 55402

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OFFICE OF PETITIONS

ON PETITION

In re Application of :
Stephen Sherman, et al :
Application No. 10/923,425 :
Filed: August 20, 2004 :
Attorney Docket No. 60027.0046USC1/BS01156C1 :

This is a decision in response to the petition, filed February 22, 2007, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for a failure to reply in a timely manner to a non-final Office action mailed March 7, 2006. A Notice of Abandonment was mailed on October 19, 2006. In response, on February 22, 2007, 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 $1,500; and (3) an adequate statement of unintentional delay.

The application is being referred to Technology Center AU 2617 for consideration of the amendment filed February 22, 2007.

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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

Mail Date: 05/24/2010

Applicant	: Batakrishna Mandal	: DECISION ON REQUEST FOR
Patent Number	: 7660195	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 10/923,429	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/20/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **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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FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW CA 94041

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DEC 15 2004

OFFICE OF PETITIONS

In re Application of :
Rashesh J. Jethi et al :
Application No. 10/923,442 : NOTICE
Filed: August 20, 2004 :
Attorney Docket No. 23073-09334 :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

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

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

This application no longer qualifies for small entity status. Accordingly, all future fees must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3208.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW CA 94041

In re Application of	:	
JETHI, RASHESH J., et al.	:	
Application No. 10/923,442	:	DECISION ON PETITION
Filed: August 20, 2004	:	TO MAKE SPECIAL
For: **ARCHITECTURE THAT ENABLES A MOBILE VIRTUAL NETWORK OPERATOR (MVNO) TO CREATE A BRANDED WIRELESS OFFERING**	:	

This is a decision on the petition filed August 24, 2006 under Manual of Patent Examination Procedure §708.02, VIII requesting accelerated examination.

The petition under Manual of Patent Examination Procedure §708.02, VIII, must:
(1) be filed prior to receiving any examination by the examiner,
(2) be accompanied by the required fee- $130,
(3) the claims should be directed to a single invention (if it is determined that the claims pertain to more than one invention, then applicant will have to make an election without traverse or forfeit accelerated examination status),
(4) state that a pre-examination search was made, and fully discuss the search method employed, such as classes and subclasses searched, publications, Chemical abstracts, patents, etc. A search made by a foreign patent office satisfies this requirement,
(5) be accompanied by a copy of each of the references most closely related to the subject matter encompassed by the claims if said references are not already of record,
(6) fully discuss the references, pointing out with the particularity required by 37 C.F.R. §1.111 (b) and (c), how the claimed subject matter is patentable over the references.

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

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

Kenneth A. Wieder
Special Program Examiner
Technology Center 2600
Communications

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Stephen H. Doctor
MCDONNELL BOEHNEN HULBET & BERGHOFF
300 South Wacker
Suite 3200
Chicago, IL 60606

In re Application of:	:	
SIRNA THERAPEUTICS, INC.	:	
PCT No.: PCT/US02/15876	:	DECISION ON PETITION
International Filing Date: 17 May 2002	:	UNDER 37 CFR 1.10
Priority Date: 18 May 2001	:	
Attorney's Docket No.: 02-312-PCT;600.019	:	
For: CONJUGATES AND COMPOSITIONS FOR	:	
CELLULAR DELIVERY	:	

This decision is issued in response to the "Petition To Accord Express Mail 'Date In' As Filing Date" filed 03 August 2004, treated herein under 37 CFR 1.10(c). The petition seeks to correct the international filing date to 17 May 2002. No petition fee is required.

BACKGROUND

Applicant initiated this international application by filing a Request (Form PCT/RO/101) and accompanying materials via "Express Mail" label number EL602855817US. The transmittal letter filed with the application materials lists this "Express Mail" label number, and identifies the date of deposit as 17 May 2002.

On 20 June 2002, the RO/US mailed a "Notification Of The International Application Number And Of The International Filing Date" (Form PCT/RO/105) identifying 20 May 2002 as the international filing date.

On 03 August 2004, applicant filed the petition considered herein. The petition seeks correction of the international filing date to 17 May 2002, the date on which applicant claims the application was deposited with the USPS. The submission includes, among other materials, a copy of the customer receipt for Express Mail label number EL602855817US, which bears a "date in" of 17 May 2002.

DISCUSSION

The present international application was accorded an international filing date of 20 May 2002. Applicant asserts that the proper international filing date is 17 May 2002, the date on which the Express Mail envelope containing the application materials was deposited with the USPS. As noted above, applicant has supplied a copy of the customer receipt for the Express

Mail envelope bearing a "date in" of 17 May 2002, and the Express Mail label number for this envelope was identified on the transmittal letter filed with the application papers. In addition, the USPTO Express Mail database identifies 17 May 2002 as the date on which this Express Mail envelope was accepted by the USPS.

Based on applicant's statements, the Express Mail database acceptance date of 17 May 2002, and the 17 May 2002 "date in" entered by the USPS on the Express Mail label, it is concluded that the present application was deposited as "Express Mail" with the USPS on 17 May 2002. Accordingly, pursuant to 37 CFR 1.10(c), the international filing date is appropriately corrected to 17 May 2002.

CONCLUSION

Applicant's petition for correction of the international filing date is **GRANTED.**

The international filing date is corrected to **17 May 2002.** The "Notification Of The International Application Number And Of The International Filing Date" (Form PCT/RO/105) mailed 20 June 2002, which identified 20 May 2002 as the international filing date, is hereby **VACATED.**

A corrected "Notification Of The International Application Number And Of The International Filing Date" (Form PCT/RO/105) which correctly identifies the international filing date as **17 May 2002** is issued herewith. Copies of this decision and the corrected Form PCT/RO/105 will be forwarded to the International Bureau.

This application is being forwarded to the RO/US for further processing in accordance with this decision.

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

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Victoria A. Sandberg
MUETIN, RAASCH & GEBHARDT, P.A.
P.O. BOX 581415
MINNEAPOLIS MN 55458-1415

In re Application of	:
EITEMAN et al	:
Serial No.: 10/923,458	:Decision on Petition
Filed : August 20, 2004	:
Attorney Docket No.: 235.00490120	:

This letter is in response to the Petition under 37 C.F.R. 1.181 filed on April 24, 2007 requesting withdrawal of the restriction requirement.

BACKGROUND

On November 17, 2006, the examiner mailed a restriction requirement in which the original claims 1-76 were divided into 11 groups.

On February 14, 2007, Applicants elected Group I (Claims 1-21) with traverse
On March 23, 2007 the examiner considered the traversal, made the restriction requirement FINAL and mailed to applicants a non-final Office action, in which Group I (Claims 1-21) were searched and examined on the merits.

On April 24, 2007, applicants filed this petition to request that the Office withdraw the restriction requirement.

DISCUSSION

The petition and file history have been carefully considered. The petition sets forth several arguments for requesting rejoinder of Groups 1, 2, 3, 4, and 5. It is not entirely clear which Groups Applicants are referring to, as the groups set forth on page 5 of the petition do not correspond to the Groups set forth in the restriction requirement. The petition decision will refer to the groups as numbered in the restriction requirement. Because the claims of Groups I-X are not distinct, for the reasons explained below, the restriction requirement between Groups I-X has been withdrawn.

Consideration of Independent and Distinct Inventions

35 U.S.C. 121.sets forth the appropriate means for restriction which permits,

> "If two or more independent and distinct inventions are claimed in one application, the Director may require the application to be restricted to one of the inventions."

MPEP 802.01 helps define the terms independent and distinct.

> The term "independent" (i.e., unrelated) means that there is no disclosed relationship between the two or more inventions claimed, that is, they are unconnected in design, operation, and effect. Related inventions are distinct if the inventions as claimed are not connected in at least one of design, operation, or effect (e.g., can be made by, or used in, a materially different process) and wherein at least one invention is PATENTABLE (novel and nonobvious) OVER THE OTHER (though they may each be unpatentable over the prior art).

The MPEP also provides guidance in 806.01, stating

> "In passing upon questions of double patenting and restriction, it is the claimed subject matter that is considered and such claimed subject matter must be compared in order to determine the question of distinctness or independence."

Finally, "Where the claims of an application define the same essential characteristics of a single disclosed embodiment of an invention, restriction there between should never be required. This is because the claims are not directed to distinct inventions; rather they are different definitions of the same disclosed subject matter, varying in breadth or scope of definition" (see MPEP 806.06).

Here, for the reasons set forth in (B) on page 5 of the petition, applicants argue that the inventions are not independent and they are not distinct. Applicants assert that claims in one group overlap in scope with Claims in another group set forth in the requirement for restriction. Thus, applicants petition that the groups set forth in the requirement for restriction are not independent and they are patentably distinct.

In the restriction requirement, the examiner grouped the inventions according to the preamble of the independent method claims and did not seem to take into account the active steps of the dependent claims within each group. The examiner asserted that the inventions of Groups I-X were unrelated (independent) and patentably distinct from each other because they require different process steps, reagents and parameters; have different purposes and product different results.

As illustrated in the table below, Groups I-X are not independent (unrelated) because all Groups all related as being directed to a method of producing a metabolite from a bacterial cell which has a reduced level of PDH activity. Moreover, Groups I-X are not distinct because each Group encompasses a claimed embodiment from another group.

Group I (Claims 1-21)	Group II (Claims 22-29)	Group III (Claims 30-33)	Group IV (Claims 34-37)	Group V (Claims 38-41)
1. A method for making a metabolite comprising pyruvate or a pyruvate derivative, the method comprising:	A method for making a metabolite comprising pyruvate or a pyruvate derivative, the method comprising:	A method for making a metabolite comprising pyruvate or a pyruvate derivative, the method comprising:	A method for making a metabolite comprising pyruvate or a pyruvate derivative, the method comprising:	A method for making a metabolite comprising pyruvate or a pyruvate derivative, the method comprising:
providing a bacterial cell exhibiting	providing a bacterial cell exhibiting	providing a bacterial cell exhibiting	providing a bacterial cell exhibiting	providing a bacterial cell exhibiting
reduced activity of at least one enzyme in the pyruvate dehydrogeoase (PDH) complex of enzymes, compared to a wild-type bacterial cell; and	reduced activity of at least one enzyme in the pyruvate dehydrogeoase (PDH) complex of enzymes, compared to a wild-type bacterial cell; and	reduced activity of at least one enzyme in the pyruvate dehydrogeoase (PDH) complex of enzymes, compared to a wild-type bacterial cell; and	reduced activity of at least one enzyme in the pyruvate dehydrogeoase (PDH) complex of enzymes, compared to a wild-type bacterial cell; and	reduced activity of at least one enzyme in the pyruvate dehydrogeoase (PDH) complex of enzymes, compared to a wild-type bacterial cell; and
	(b) reduced activity of PEP carboxylase compared to a wild-type bacterial cell (Claim 22); OR (b) added or increased NADH oxidase activity (Claim 26) and	(b) reduced activity of pyruvate oxidase compared to a wild-type bacterial cell; and	(b) reduced activity of PEP carboxylase compared to a wild-type bacterial cell, AND reduced activity of pyruvate oxidase compared to a wild-type bacterial cell; and	(b) reduced activity of PEP carboxylase compared to a wild-type bacterial cell, AND reduced activity of pyruvate oxidase compared to a wild-type bacterial cell; AND added or increased NADH oxidase activity
Culturing the bacterial cell in the presence of a primary carbon source comprising glucose and a secondary carbon source comprising a compound selected from the group consisting of acetate and ethanol, to yield the metabolite.	Culturing the bacterial cell in the presence of a primary carbon source comprising glucose and a secondary carbon source comprising a compound selected from the group consisting of acetate and ethanol, to yield the metabolite.	Culturing the bacterial cell in the presence of a primary carbon source comprising glucose and a secondary carbon source comprising a compound selected from the group consisting of acetate and ethanol, to yield the metabolite.	Culturing the bacterial cell in the presence of a primary carbon source comprising glucose and a secondary carbon source comprising a compound selected from the group consisting of acetate and ethanol, to yield the metabolite.	Culturing the bacterial cell in the presence of a primary carbon source comprising glucose and a secondary carbon source comprising a compound selected from the group consisting of acetate and ethanol, to yield the metabolite.
Claim 3- wherein the metabolite comprises pyruvate or diacetyl				
Claim 6- wherein the metabolite comprises alanine				
Claim 13- where the bacterial cell is E.coli cell				

Group VI (Claims 42-50)	Group VII (Claims 51-54)	Group VIII (Claims 55-61	Group IX (Claims 62-65)	Group X (Claims 66-69)
A method for making pyruvate comprising:	A method for making a metabolite comprising pyruvate or a pyruvate derivative, the method comprising:	A method for making alanine comprising:	A method for making diacetyl comprising:	A method for making diacetyl comprising:
providing a bacterial cell	Providing an E. coli cell	providing a bacterial cell exhibiting	providing a bacterial cell exhibiting	providing an E. coli cell exhibiting
Wherein the gene encoding at least one enzyme in the pyruvate dehydrogenase (PDH) complex of enzymes is knocked out	Wherein the gene encoding at least one enzyme in the pyruvate dehydrogenase (PDH) complex of enzymes is knocked out	reduced activity of at least one enzyme in the pyruvate dehydrogeoase (PDH) complex of enzymes, compared to a wild-type bacterial cell; and	reduced activity of at least one enzyme in the pyruvate dehydrogeoase (PDH) complex of enzymes, compared to a wild-type bacterial cell; and	Reduced activity of at least one enzyme in the pyruvate dehydrogeoase (PDH) complex of enzymes, compared to a wild-type E. coli cell; and
Claim 46- wherein the bacterial cell further exhibits reduced activity of PEP carboxylase Or Claim 47- wherein the bacterial cell further exhibits increased or added activity of NADH oxidase.		(b) added or increased alanine dehydrogenase activity compared to wild-type bacterial cell; and	(b) added or increased acetolactate synthase activity; and	(b) added or increased acetolactate synthase activity; and
Culturing the bacterial cell in the presence of a primary carbon source comprising glucose and a secondary carbon source comprising a compound selected from the group consisting of acetate and ethanol, to yield the metabolite.	Culturing the E. coli cell in the presence of a primary carbon source comprising glucose and a secondary carbon source comprising a compound selected from the group consisting of acetate and ethanol, to yield the metabolite.	Culturing the bacterial cell in the presence of a primary carbon source comprising glucose and a secondary carbon source comprising a compound selected from the group consisting of acetate and ethanol, to yield alanine.	Culturing the bacterial cell in the presence of a primary carbon source comprising glucose and a secondary carbon source comprising a compound selected from the group consisting of acetate and ethanol, to yield diacetyl.	Culturing the E. coli cell in the presence of a primary carbon source comprising glucose and a secondary carbon source comprising a compound selected from the group consisting of acetate and ethanol, to yield diacetyl.
		Claim 58- wherein the bacterial cell is E. coli		

Applicants are correct that the inventions of Groups I-X are not distinct. For example, Claim 38 of group V is encompassed by the independent claims of Group I-IV. Dependent claims 46-49 of Group VI are encompassed by independent claims of Groups I-V. Claim 51 of Group VII requires E.coli which is a species of bacteria and requires knocking out PDH activity. As

specifically provided on page 6 of the specification, knocked out activity is encompassed by the phrase "reduced level of activity" in independent claims of Groups I-V and VIII-X.

Claim 55 for Group VIII is a method of making alanine. Alanine is a species of metabolite encompassed by Group I and specifically recited in dependent claim 6 of Group I.

Claims 62 and 66 of Group IX-X is a method of making diacetyl. Diacetyl is a species of metabolite encompassed by Group I and specifically recited in dependent claim 3 of Group I.

Thus the methods of Groups I-X set forth in the requirement for restriction overlap in scope and cannot be considered as distinct or independent. Thus, Groups I-X have been rejoined.

The restriction between the methods of Group I-X and the product of Group XI has been reviewed and deemed proper. As provided in the original requirement for restriction, the product can be used in a materially different process of using that product such as using the bacterial cell as a host in a recombinant process to express and produce a recombinant polypeptide.

DECISION

The petition is **GRANTED–IN-PART** for the reasons set forth above.

Groups II-X, Claims 22-69, are rejoined with Group I, Claims 1-21, already under examination, and said claims will be examined together.

The application will be forwarded to the examiner for preparation of a non-final Office action consistent with this decision.

The request to withdraw the restriction requirement between the method of Groups I-X and the product of Group XI has been denied.

Any request for reconsideration must be filed within two (2) months of the mailing date of this decision.

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

Bruce Kisliuk
Director, Technology Center 1600
jb/jg

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JOSEPH R. ENGLANDER, ESQ.
CHRISTOPHER & WEISBERG, P.A.
200 EAST LAS OLAS BOULEVARD, SUITE 2040
FORT LAUDERDALE, FL 33301

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OFFICE OF PETITIONS

In re Application of	:	
Ronald G. Fink et al	:	
Application No. 10/923,459	:	DECISION ON PETITION
Filed: August 21, 2004	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. 109824801U	:	

This is a decision on the petition, filed August 16, 2006, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is 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. No additional petition fee is required.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on August 19, 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.

While the petition to revive for failure to timely notify the Office of the filing of a foreign application has been found to comply with the above conditions, the application cannot be revived at this time since there is no indication that a reply to an outstanding Office action has been submitted; namely, the non-final Office action of June 26, 2006, which set a three (3) month shortened statutory period for reply. Accordingly, before revival of this application can be effected, the reply, along with an additional 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," must be submitted.

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

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

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

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

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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UNITED STATES DEPARTMENT OF COMMERCE
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Kenton R. Mullins
Stout, Uxa, Buyan & Mullins. LLP
Suite 300
4 Venture
Irvine, CA 92618

Mail Date: 04/21/2010

Applicant	: Chin Chen Yang	: DECISION ON REQUEST FOR
Patent Number	: 7575852	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/923,462	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/20/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1015** 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 :
Chau, et al. :
Application No. 10/923,472 :
Filed: August 20, 2004 :
Attorney Docket No. 42P14435XD2 :

ON PETITION

This is a decision on papers filed on April 4, 2005, which is being treated as a petition under 37 CFR 1.53, requesting that the above-identified application be accorded a filing date of August 20, 2004, including Page 1 of the specification.

The application was submitted on August 20, 2004 as a divisional of prior application No. 10/367,263. However, on March 31, 2005, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Omitted Item(s) in a Nonprovisional Application" (Notice) that stated the application had been accorded a filing date, and that Page 1 the specification appears to have been omitted.

In response, on April 4, 2005, the instant petition was submitted. Petitioner states that "Page 1 of the specification may have been accidentally omitted from the specification filed with the divisional application on August 20, 2004." Further, petitioner requests that the missing page of specification be incorporated by reference from prior application No. 10/367,263. A petition, however, is not required for such action.

The application transmittal letter identified this application as a divisional application of prior application No. 10/367,263, filed February 14, 2003, and specifically incorporated by reference the disclosure of the prior application. 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 1 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.

Accordingly, the petition is dismissed.

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 the Office of Initial Patent Examination for further processing.

Telephone inquiries should be directed to the undersigned at (571) 272-3228.

Edward J. Tannouse
Petitions Attorney
Office of Petitions/Patent
United States Patent and Trademark Office

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OFFICE OF PETITIONS

REED SMITH, LLP
TWO EMBARCADERO CENTER
SUITE 2000
SAN FRANCISCO CA 94111

In re Application of	:	
Berman	:	
Application No. 10/923,491	:	DECISION ON PETITION
Filed: August 20, 2004	:	TO WITHDRAW
Attorney Docket No. 356508.02601	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 14, 2006.

The request is **APPROVED**.

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

The request was signed by Doyle Johnson on behalf of all attorneys of record who are associated with this application.

All attorneys/agents associated with this application have been withdrawn.

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

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

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

There is an outstanding Office action mailed August 18, 2006 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

cc: ARTHUR BERMAN
5635 SNOWDON PLACE
SAN JOSE, CA 95138

cc: ARTHUR BERMAN
10440 BUBB ROAD
SUITE B
CUPERTINO, CA 95014

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PARSONS BEHLE & LATIMER
SUITE 1800
201 SOUTH MAIN STREET
SALT LAKE CITY UT 84111

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OFFICE OF PETITIONS

In re Application of

LARSEN, Robert K. et al.
Application No. 10/923,502
Filed: August 20, 2004
Attorney Docket No. **5125.5 P**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 17, 2007.

The request is **NOT APPROVED**.

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

The request cannot be approved because there remains less than 30 (thirty days) between the date of this decision and the maximum extendable time period for filing a response to the Office action mailed on October 23, 2006

The request cannot be approved because no reasons for withdrawal have been provided. The Office cannot, at this time, determine whether practitioner's request is one of the mandatory or permissive reasons enumerated in 37 CFR 10.40. Any subsequent requests must include reasons for withdrawal. Please note that there is a space provided for on PTO/SB/83 (Request to Withdraw as Attorney or Agent) to supply practitioner's reasons.

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

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

Terri Williams
Petitions Examiner
Office of Petitions

cc: **CAO GROUP, INC.**
4628 WEST SKYHAWK DRIVE
WEST VALLEY CITY, UT 84084

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WASHINGTON, DC 20231
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JUL 17 2006

Robert D. Atkins
One Renaissance Square
Two North Central Avenue
Phoenix, AZ 85004

Art Unit 3765

In re Application of	:	
Larson	:	
Serial No.10/923,503	:	DECISION ON PETITION
Filed: August 20, 2004	:	
For: Multi-purpose Hat	:	

In the petition under 37 CFR 1.48(a) filed May 25, 2005, applicant request that Jon Larson be added as an inventor of the above named invention. Applicants have provided the required declarations and there is a statement from Mr. Larson indicating that the error in not naming him originally as an inventor arose without deceptive intent.

All requirements set forth in 37 CFR 1.48 have been met by applicants' petition and attached declarations.

The petition is granted.

Once the application file is updated with the corrected inventorship it will be forwarded to the examiner.

Gary L. Welch
Supervisory Patent Examiner (Acting)
Art Unit 3765
(571) 272-4996
(571) 273-4996 fax

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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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
10/923,511	08/20/2004	3763	460	RUBI5947	26	16	3

CONFIRMATION NO. 1965

UPDATED FILING RECEIPT

OC000000015255060

22430
YOUNG LAW FIRM
A PROFESSIONAL CORPORATION
4370 ALPINE ROAD SUITE 106
PORTOLA VALLEY, CA 94028

Date Mailed: 02/24/2005

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)

James W. Vetter, Portola Valley, CA;
Sean C. Daniel, Foster City, CA;

Assignment For Published Patent Application

RUBICOR MEDICAL, INC., Redwood City, CA

Power of Attorney: The patent practitioners associated with Customer Number **22430**.

Domestic Priority data as claimed by applicant

This application is a CIP of 10/732,670 12/09/2003
and is a CIP of 10/272,448 10/16/2002
and is a CIP of 10/796,328 03/08/2004
which is a CON of 09/417,520 10/13/1999 PAT 6,423,081
which is a DIV of 09/146,743 09/03/1998 PAT 6,022,362

Foreign Applications

If Required, Foreign Filing License Granted: 10/13/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/923,511

Projected Publication Date: 06/02/2005

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Devices and methods for performing procedures on a breast

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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Stephen H. Doctor
MCDONNELL BOEHNEN HULBET & BERGHOFF
300 South Wacker
Suite 3200
Chicago, IL 60606

In re Application of:	:	
SIRNA THERAPEUTICS, INC.	:	
PCT No.: PCT/US02/15876	:	DECISION ON PETITION
International Filing Date: 17 May 2002	:	UNDER 37 CFR 1.10
Priority Date: 18 May 2001	:	
Attorney's Docket No.: 02-312-PCT;600.019	:	
For: CONJUGATES AND COMPOSITIONS FOR	:	
CELLULAR DELIVERY	:	

This decision is issued in response to the "Petition To Accord Express Mail 'Date In' As Filing Date" filed 03 August 2004, treated herein under 37 CFR 1.10(c). The petition seeks to correct the international filing date to 17 May 2002. No petition fee is required.

BACKGROUND

Applicant initiated this international application by filing a Request (Form PCT/RO/101) and accompanying materials via "Express Mail" label number EL602855817US. The transmittal letter filed with the application materials lists this "Express Mail" label number, and identifies the date of deposit as 17 May 2002.

On 20 June 2002, the RO/US mailed a "Notification Of The International Application Number And Of The International Filing Date" (Form PCT/RO/105) identifying 20 May 2002 as the international filing date.

On 03 August 2004, applicant filed the petition considered herein. The petition seeks correction of the international filing date to 17 May 2002, the date on which applicant claims the application was deposited with the USPS. The submission includes, among other materials, a copy of the customer receipt for Express Mail label number EL602855817US, which bears a "date in" of 17 May 2002.

DISCUSSION

The present international application was accorded an international filing date of 20 May 2002. Applicant asserts that the proper international filing date is 17 May 2002, the date on which the Express Mail envelope containing the application materials was deposited with the USPS. As noted above, applicant has supplied a copy of the customer receipt for the Express

Mail envelope bearing a "date in" of 17 May 2002, and the Express Mail label number for this envelope was identified on the transmittal letter filed with the application papers. In addition, the USPTO Express Mail database identifies 17 May 2002 as the date on which this Express Mail envelope was accepted by the USPS.

Based on applicant's statements, the Express Mail database acceptance date of 17 May 2002, and the 17 May 2002 "date in" entered by the USPS on the Express Mail label, it is concluded that the present application was deposited as "Express Mail" with the USPS on 17 May 2002. Accordingly, pursuant to 37 CFR 1.10(c), the international filing date is appropriately corrected to 17 May 2002.

CONCLUSION

Applicant's petition for correction of the international filing date is **GRANTED**.

The international filing date is corrected to **17 May 2002**. The "Notification Of The International Application Number And Of The International Filing Date" (Form PCT/RO/105) mailed 20 June 2002, which identified 20 May 2002 as the international filing date, is hereby **VACATED**.

A corrected "Notification Of The International Application Number And Of The International Filing Date" (Form PCT/RO/105) which correctly identifies the international filing date as **17 May 2002** is issued herewith. Copies of this decision and the corrected Form PCT/RO/105 will be forwarded to the International Bureau.

This application is being forwarded to the RO/US for further processing in accordance with this decision.

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

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10/923522

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Stephen H. Doctor
MCDONNELL BOEHNEN HULBET & BERGHOFF
300 South Wacker
Suite 3200
Chicago, IL 60606

In re Application of:
SIRNA THERAPEUTICS, INC.
PCT No.: PCT/US02/15876
International Filing Date: 17 May 2002
Priority Date: 18 May 2001
Attorney's Docket No.: 02-312-PCT;600.019
For: CONJUGATES AND COMPOSITIONS FOR CELLULAR DELIVERY

DECISION ON PETITION UNDER 37 CFR 1.10

This decision is issued in response to the "Petition To Accord Express Mail 'Date In' As Filing Date" filed 03 August 2004, treated herein under 37 CFR 1.10(c). The petition seeks to correct the international filing date to 17 May 2002. No petition fee is required.

BACKGROUND

Applicant initiated this international application by filing a Request (Form PCT/RO/101) and accompanying materials via "Express Mail" label number EL602855817US. The transmittal letter filed with the application materials lists this "Express Mail" label number, and identifies the date of deposit as 17 May 2002.

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On 03 August 2004, applicant filed the petition considered herein. The petition seeks correction of the international filing date to 17 May 2002, the date on which applicant claims the application was deposited with the USPS. The submission includes, among other materials, a copy of the customer receipt for Express Mail label number EL602855817US, which bears a "date in" of 17 May 2002.

DISCUSSION

The present international application was accorded an international filing date of 20 May 2002. Applicant asserts that the proper international filing date is 17 May 2002, the date on which the Express Mail envelope containing the application materials was deposited with the USPS. As noted above, applicant has supplied a copy of the customer receipt for the Express

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Based on applicant's statements, the Express Mail database acceptance date of 17 May 2002, and the 17 May 2002 "date in" entered by the USPS on the Express Mail label, it is concluded that the present application was deposited as "Express Mail" with the USPS on 17 May 2002. Accordingly, pursuant to 37 CFR 1.10(c), the international filing date is appropriately corrected to 17 May 2002.

CONCLUSION

Applicant's petition for correction of the international filing date is **GRANTED**.

The international filing date is corrected to **17 May 2002**. The "Notification Of The International Application Number And Of The International Filing Date" (Form PCT/RO/105) mailed 20 June 2002, which identified 20 May 2002 as the international filing date, is hereby **VACATED**.

A corrected "Notification Of The International Application Number And Of The International Filing Date" (Form PCT/RO/105) which correctly identifies the international filing date as **17 May 2002** is issued herewith. Copies of this decision and the corrected Form PCT/RO/105 will be forwarded to the International Bureau.

This application is being forwarded to the RO/US for further processing in accordance with this decision.

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20091123

DATE :

TO SPE OF : ART UNIT

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

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

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - ST (South Tower) 9A22
Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance **Certificates of Correction Branch**

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

Note your decision on the appropriated box.

☒ **Approved** All changes apply.

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

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

Comments:

/Corrine M McDermott/
Supervisory Patent Examiner, Art Unit 3738

27 JAN 2005

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Stephen H. Doctor
MCDONNELL BOEHNEN HULBET & BERGHOFF
300 South Wacker
Suite 3200
Chicago, IL 60606

In re Application of:	:	
SIRNA THERAPEUTICS, INC.	:	
PCT No.: PCT/US02/15876	:	DECISION ON PETITION
International Filing Date: 17 May 2002	:	UNDER 37 CFR 1.10
Priority Date: 18 May 2001	:	
Attorney's Docket No.: 02-312-PCT;600.019	:	
For: CONJUGATES AND COMPOSITIONS FOR	:	
CELLULAR DELIVERY	:	

This decision is issued in response to the "Petition To Accord Express Mail 'Date In' As Filing Date" filed 03 August 2004, treated herein under 37 CFR 1.10(c). The petition seeks to correct the international filing date to 17 May 2002. No petition fee is required.

BACKGROUND

Applicant initiated this international application by filing a Request (Form PCT/RO/101) and accompanying materials via "Express Mail" label number EL602855817US. The transmittal letter filed with the application materials lists this "Express Mail" label number, and identifies the date of deposit as 17 May 2002.

On 20 June 2002, the RO/US mailed a "Notification Of The International Application Number And Of The International Filing Date" (Form PCT/RO/105) identifying 20 May 2002 as the international filing date.

On 03 August 2004, applicant filed the petition considered herein. The petition seeks correction of the international filing date to 17 May 2002, the date on which applicant claims the application was deposited with the USPS. The submission includes, among other materials, a copy of the customer receipt for Express Mail label number EL602855817US, which bears a "date in" of 17 May 2002.

DISCUSSION

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Based on applicant's statements, the Express Mail database acceptance date of 17 May 2002, and the 17 May 2002 "date in" entered by the USPS on the Express Mail label, it is concluded that the present application was deposited as "Express Mail" with the USPS on 17 May 2002. Accordingly, pursuant to 37 CFR 1.10(c), the international filing date is appropriately corrected to 17 May 2002.

CONCLUSION

Applicant's petition for correction of the international filing date is **GRANTED**.

The international filing date is corrected to **17 May 2002**. The "Notification Of The International Application Number And Of The International Filing Date" (Form PCT/RO/105) mailed 20 June 2002, which identified 20 May 2002 as the international filing date, is hereby **VACATED**.

A corrected "Notification Of The International Application Number And Of The International Filing Date" (Form PCT/RO/105) which correctly identifies the international filing date as **17 May 2002** is issued herewith. Copies of this decision and the corrected Form PCT/RO/105 will be forwarded to the International Bureau.

This application is being forwarded to the RO/US for further processing in accordance with this decision.

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

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K&L Gates LLP
P.O. Box 1135
CHICAGO, IL 60690

Mail Date: 04/20/2010

Applicant	: Ryan W. Cuddy	: DECISION ON REQUEST FOR
Patent Number	: 7575514	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/923,541	: OF WYETH
Filed	: 08/20/2004	:
		:

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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WARNER J. DELAUNE, JR.
ADAMS & REESE, LLP
450 LAUREL STREET
SUITE 1900
BATON ROUGE, LA 70801

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JUL 17 2007

OFFICE OF PETITIONS

In re Application of	:	
Joseph Y Stuart	:	
Application No. 10/923,561	:	DECISION ON PETITION
Filed: August 20, 2004	:	TO WITHDRAW
Attorney Docket No. 10507-1	:	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 9, 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 Warner J. Delaune, Jr. 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 May 2, 2007 that requires a reply from the applicant.

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

April M. Wise
Petitions Examiner
Office of Petitions

cc: JOSEPH Y. STUART
9945 GOODWOOD
BATON ROUGE, LA 70801

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
10/923,561	08/20/2004	Joseph Y. Stuart	10507-1

CONFIRMATION NO. 6775

OC000000024706988

Joseph Y Stuart
9945 Goodwood
Baton Rouge, LA 70801

Date Mailed: 07/06/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/09/2007.

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

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

FORMER ATTORNEY/AGENT COPY

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PHILIPS ELECTRONICS NORTH AMERICA CORPORATION
INTELLECTUAL PROPERTY & STANDARDS
370 W. TRIMBLE ROAD MS 91/MG
SAN JOSE CA 95131

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FEB 07 2008

OFFICE OF PETITIONS

In re Application of :
Van Der Pleog et al. :
Application No. 10/923,562 :
Filed: August 20, 2004 :
Attorney Docket No. N 17-541R :

DECISION ON PETITION

This is a decision on the petition under 37 CFR §1.137(b), filed July 9, 2007, to revive the above-identified application.

This above-identified application became abandoned for failure to file a complete response to a Notice to File Missing Parts of Reissue Application which was mailed on March 23, 2006. The Notice to File Missing Parts set an extendable two (2) month period for reply. A reply was submitted on May 23, 2006. A second Notice was mailed on June 21, 2006. The June 21, 2006 Notice did not provide a new period for reply. No extensions of time were obtained under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on May 24, 2006. A Notice of Abandonment was mailed on June 5, 2007.

The requirements for a grantable petition under 37 CFR §1.137(b) have been met. This petition is hereby **Granted**.

Pursuant to petitioner's request deposit account no. 50-4019 will be charged the $1500.00 petition fee and the $130.00 surcharge fee.

The address provided on petition differs from the correspondence address of record. If Petitioner desires to receive future correspondence regarding this application, the appropriate change of correspondence address should be submitted if appropriate. A courtesy copy of this decision will be mailed to Petitioner. All further correspondence will be mailed to the correspondence address of record.

This application is being forwarded to the Office of Patent Application Processing for appropriate action by the Examiner in the normal course of business on the reply

received .

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

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

CC: Juergen Krause-Polstorff
NXP B.V. Intellectual Property Department
1109 McKay Drive MS41-SJ
San Jose, California 95131

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NOV 09 2007

OFFICE OF PETITIONS

JONES DAY
222 East 41st Street
New York, NY 10017

In re Application of
Weaver, et al.
Application No. 10/923,566
Filed: August 20, 2004
Attorney Docket No. 8932-997-99(708716-9999

ON PETITION

This is a decision on the petition under 37 CFR 1.181 filed on October 5, 2007, to withdraw the holding of abandonment.

The petition is **GRANTED**.

The application became abandoned on May 9, 2006, after no response was received to the non-final Office action mailed February 8, 2006, which set a shortened statutory period for reply of three (3) months from its mailing date. No response was received within the allowable period, and the application became abandoned on May 9, 2006. A Notice of Abandonment was mailed on August 21, 2006. The instant petition was filed on October 5, 2007. Petitioner maintains that the non-final Office action was never received.

A review of the application file history reveals that an application transmittal sheet was filed on August 20, 2004, citing an address for the New York office of Jones Day. Also filed on that date was a declaration and power of attorney listing the correspondence address for the application as that of the Washington, DC office of Pennie & Edmonds, LLP. It is also noted that petitioner states that the Washington, DC office of Pennie & Edmonds, LLP was closed when the non-final Office action was mailed. The Washington, DC office of Pennie & Edmonds, LLP was entered as the correspondence address for the application.

Section 403 of the *Manual of Patent Examining Procedure*, provides, in pertinent part, that :

> 37 CFR 1.33(a) provides that in a patent application the applicant must specify a correspondence address to which the Office will send notices, letters and other communications relating to the application. The correspondence address must appear either in an application data sheet (37 CFR 1.76) or in a clearly identifiable manner elsewhere in any papers submitted with an application filing. Where more than one correspondence address is specified, the Office will **>select one of the correspondence addresses for use< as the correspondence address. This is intended to cover, for example, the situation where an application is submitted with multiple addresses, such as one correspondence address being given in the application transmittal letter, and a different one in an accompanying 37 CFR 1.63 oath or declaration, or other similar situations. The **>Office will select which of the multiple correspondence addresses to use according to the following order: (A) application data sheet (ADS); (B) application transmittal; (C) oath or declaration (unless power of attorney is more current); and (D) power of attorney.< If more than one correspondence address is specified in a single document, the Office will *>select< the address associated with a Customer Number over a typed correspondence address.

The address cited in the application transmittal sheet is that of the New York office of Jones Day. Pursuant to MPEP § 403, the New York office of Jones Day should have been entered as the correspondence address of record for the subject application over the address cited in the declaration filed on the same day. The petition is granted, accordingly.

The application file is being directed to Technology Center GAU 3733 for further processing including remailing of the non-final Office action and resetting of the period for reply.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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P.O. Box 1450
Alexandria, VA 22313-1450
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MICHAEL J. NICKERSON
BASCH & NICKERSON LLP
1777 PENFIELD ROAD
PENFIELD NY 14526

MAILED

APR 29 2009

OFFICE OF PETITIONS

In re Application of	:	
Wang et al.	:	DECISION ON PETITION
Application No. 10/923,579	:	TO WITHDRAW
Filed: August 20, 2004	:	FROM RECORD
Attorney Docket No. 1008 069 301 0251	:	

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 5, 2009.

The request is **DISMISSED** as moot.

A review of the file record indicates that on February 17, 2009 the power of attorney to Basch & Nickerson was revoked by the assignee of the patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

Currently, there is a December 1, 2008 outstanding Office action that requires a reply from the applicant.

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 Petitions Examiner Joan Olszewski at 571-272- 3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

/Liana Walsh/
LianaWalsh
Petitions Examiner
Office of Petitions

cc: Biophan Technologies, Inc.
15 Schooen Place
Pittsford NY 14534

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HUFFMAN LAW GROUP, P.C.
1832 N. CASCADE AVE.
COLORADO SPRINGS, CO 80907-7449

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APR 06 2005

OFFICE OF PETITIONS

In re Application of	:	
Hudepohl, et al.	:	DECISION GRANTING
Application No. 10/923,584	:	PETITION
Filed: August 20, 2004	:	
Attorney Docket No. MIPS.0107-01-US	:	

This is a decision on the petition under 37 CFR 1.10(c), filed March 9, 2005, requesting that the above-identified application be accorded a filing date of August 20, 2004, rather than the presently accorded filing date of August 21, 2004.

Petitioners allege that the application was deposited in the U.S. Postal Service (USPS) Express Mail service on August 20, 2004. In support, the petition is accompanied by a copy of Express Mail Receipt No. EO002477800US (the same Express Mail number found on the original application papers located in the official file), however, the "date in" is blank. However, petitioners have also submitted a copy of the "USPS Track & Confirm Shipment Details" for Express Mail Receipt No. EO002477800US, which indicates the item was, in fact, placed into USPS Express Mail service on August 20 2004.

In view of the above, the petition is **GRANTED**.

Accordingly, the application is entitled to a filing date of August 20, 2004.

The petition fee has not been charged.

The application is being returned to the Office of Initial Patent Examination for processing with a filing date of August 20, 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
United States Patent and Trademark Office

DATE: 8/16/07 APPLICATION NUMBER: 10/623,584

DOC CODE: RA Dec. TC DOC DATE: 8/17/07

DELIVER THE ATTACHED FILE/DOCUMENT TO THE TC SCANNIG CENETER

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

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AUG 17 2007

OFFICE OF PETITIONS

HUFFMAN LAW GROUP, P.C.
1900 MESA AVE.
COLORADO SPRINGS, CO 80906

In re Application of	:	
Lawrence Henry Hudepohl, et. al.	:	
Application No. 10/923,584	:	ON PETITION
Filed: August 20, 2004	:	
Attorney Docket No. MIPS.0107-01-US	:	

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

The application became abandoned for failure to respond to the non-final Office action mailed July 5, 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 $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 2181, for review of the amendment filed with the instant petition.

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

Andrea Smith
Petitions Examiner
Office of Petitions

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TRASK BRITT, P.C./ MICRON TECHNOLOGY
P.O. BOX 2550
SALT LAKE CITY, UT 84110

Mail Date: 04/20/2010

Applicant	: Charles H. Dennison	: DECISION ON REQUEST FOR
Patent Number	: 7569485	: RECALCULATION of PATENT
Issue Date	: 08/04/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/923,587	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/19/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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TRASK BRITT, P.C./ MICRON TECHNOLOGY
P.O. BOX 2550
SALT LAKE CITY, UT 84110

Mail Date: 05/17/2010

Applicant : Charles H. Dennison
Patent Number : 7569485
Issue Date : 08/04/2009
Application No : 10/923,587
Filed : 08/19/2004

: 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 **30** 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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FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW, CA 94041

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AUG 28 2006

OFFICE OF PETITIONS

In re Application of	:	
Rhett Alden, et al.	:	
Application No. 10/923,604	:	DECISION ON REQUEST
Filed: August 20, 2004	:	TO WITHDRAW
Attorney Docket No. 61133-09252	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR §1.36(b), filed April 4, 2006.

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

The request was signed by Brian M. Hoffman on behalf of himself and all the other attorneys/agents of record. However, a review of the file record indicates that the assignee of the patent application revoked all previous powers of attorney on July 26, 2006. Accordingly, the request to withdraw under 37 CFR §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.

There is no outstanding Office action that requires a reply from the applicant.

Telephone inquires concerning this decision should be directed to Sherry D. Brinkley at 571-272- 3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: ANDRUS, SCEALES, STARKE & SAWALL, LLP
100 EAST WISCONSIN AVENUE, SUITE 1100
MILWAUKEE WI 53202

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Paper No.

FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW, CA 94041

MAILED

JAN 29 2007

Technology Center 2100

In re Application of:
Rhett Alden
Application No. 10/923,604
Filed: August 20, 2004
For: INFORMATION SYSTEM SUPPORTING CUSTOMIZABLE USER INTERFACES AND PROCESS FLOWS

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY OR AGENT

This is a decision on the Request To Withdraw from Representation under 37 CFR filed October 12, 2006.

A revocation And Substitution of Power of Attorney Under 37 CFR 1.136 was filed on July 26, 2006. The Power Of Attorney revoked all prior Powers Of Attorney and appointed Andrus, Sceales, Starke & Sawall, LLP as the attorneys of record of the instant application. The Power Of Attorney of October 12, 2006 was accepted. Accordingly, all communications from the U.S. Patent and Trademark Office to applicant are to be conducted by Andrus, Sceales, Starke & Sawall, LLP.

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

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

James R. Matthews

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

cc: ANDRUS, SCEALES, STARKE & SAWALL, LLP
100 East Wisconsin Avenue, Suite 1100
Milwaukee, WI 53202

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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GEORGE E. FENN
6882 BUTTERBALL WAY
SACRAMENTO CA 95842

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FEB 14 2005

OFFICE OF PETITIONS

In re Application of	:
Fenn	: DECISION DISMISSING
Application No. 10/923,617	: PETITION
Deposited: August 23, 2004	:
Attorney Docket No. N/A	:
For: DARTS: KIT DART MODIFICATIONS	:

This is a decision on the correspondence, filed November 4, 2004 requesting that the above-identified application be accorded a filing date of August 18, 2004. The petition will be treated under 37 CFR 1.53(e).

The petition under 37 CFR 1.53(e) is **DISMISSED**.

On August 18, 2004, petitioner deposited nonprovisional application papers in U.S. Mail. These papers were received in the U.S. Patent and Trademark Office (Office) on August 23, 2004 and assigned nonprovisional application no. 10/428,805.

A Notice of Incomplete Nonprovisional Application (Notice) was mailed November 1, 2004 informing applicant that **no** filing date had been assigned to the application because it did not contain at least one claim, as is required by 35 U.S.C. 112. In addition, the Notice required applicant to submit a properly signed oath/declaration.

The Notice permitted applicant to either (1) submit the missing items and take the date of submission as the filing date of the application or (2) file a petition with a fee (it is currently $400.00) and provide evidence that the missing items were in fact among the original application papers filed on August 23, 2004.

Petitioner chose neither option. The instant correspondence, filed November 4, 2004, requests that the application be accorded an August 18, 2004 filing date.

Petitioner is informed that a complete application's filing date is the date it is received in the Office (37 CFR 1.53(b)) or the date it was deposited in U.S. Express Mail Service (37 CFR 1.10(a)) . Petitioner did not use U.S. Express Mail Service. **Therefore, even if petitioner could prove the claims were filed with the original application papers, the best filing date possible would be August 23, 2004 – the date the application papers were received in the USPTO.**

Petitioner must clarify what is desired. Either (1) accept the application as filed on January 4, 2005 – which is the first time a claim was received in the Office **OR** (2) provide evidence that a claim was filed on August 23, 2004. If petitioner pursues option (2), petitioner must pay the required $400.00 petition fee before his petition is addressed on the merits. If petitioner provides evidence, such as a date stamped postcard receipt, that proves that a claim was filed on August 23, 2004, then the $400.00 petition fee will be refunded and the application will receive an August 23, 2004 filing date.

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

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

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

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

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

E. Shirene Willis

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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GEORGE E. FENN
6882 BUTTERBALL WAY
SACRAMENTO CA 95842

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APR 19 2005

OFFICE OF PETITIONS

In re Application of
Fenn
Application No. 10/923,617
Deposited: August 23, 2004
Attorney Docket No. N/A
For: DARTS: KIT DART MODIFICATIONS

: DECISION GRANTING
: PETITION AND SETTING PERIOD
: TO SUBMIT DECLARATION

This is a decision on the correspondence, filed April 11, 2005, which is being treated as a petition under 37 CFR 1.53(e), requesting that the above-identified application be accorded a filing date of January 4, 2005, which is the first date a claim was filed in the above-identified application.

The reconsideration petition under 37 CFR 1.53(e) is **GRANTED**.

On August 18, 2004, petitioner deposited nonprovisional application papers in U.S. Mail. These papers were received in the U.S. Patent and Trademark Office (Office) on August 23, 2004 and assigned nonprovisional application no. 10/428,805.

A Notice of Incomplete Nonprovisional Application (Notice) was mailed November 1, 2004 informing applicant that **no** filing date had been assigned to the application because it did not contain at least one claim, as is required by 35 U.S.C. 112. In addition, the Notice required applicant to submit a properly signed oath/declaration.

The April 11, 2005 correspondence sates, "It's prayed that the pending status for 12/31/04 be allowed, thereby allowing me the ability to correct the other matters in a more concise manner." The undersigned is interpreting this statement as a request for a filing date for the application as of the date a claim was filed. The correspondence filed on certificate of mailing date 12/31/04 contained at least one claim. Petitioner is advised that certificate of mailing practice cannot be relied upon to obtain a filing date. 37 CFR 1.8 (2)(i)(A) Therefore, the application's filing date is **January 4, 2005**, which is the date the claim was physically received in the Office.

Now that the application has a filing date, **petitioner must submit a signed declaration for utility patent application within TWO MONTHS of the mail date of this decision**. This period for reply may be extended for up to 5 months, if petitioner pays the corresponding extension of time fee.

For petitioner's convenience, a blank form PTO/SB/01 – "DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63) -- is enclosed. **Please complete, sign, and return this form within two months of the mail date of this decision. The application's filing date should be listed as January 4, 2005 on the form.**

The completed and signed declaration should be sent to:

MAIL STOP MISSING PARTS
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA VA 22313-1450

The application will be forwarded to the Office of Initial Patent Examination to await receipt of a completed and signed form "Declaration for Utility or Design Patent Application (37 CFR 1.63)." Once the declaration is received, the Office of Initial Patent Examination will mail a filing receipt setting forth the application's filing date as January 4, 2005.

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

E. Shirene Willis

E. Shirene Willis
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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BUCHANAN, INGERSOLL & ROONEY LLP
P.O. BOX 1404
ALEXANDRIA VA 22313-1404

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JAN 14 2010

In re Application of	:	
Kalyanaraman Ramnarayan, et al.	:	
Application No. 10/923,620	:	ON PETITION
Filed: August 19, 2004	:	
Attorney Docket No. 1034559-000007	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 9, 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 December 4, 2008. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the date of abandonment of this application is March 5, 2009. The Notice of Abandonment was mailed June 24, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $810, and the submission required by 37 CFR 1.114; (2) the petition fee of $405; 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.

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 the undersigned at (571) 272-2991.

This application is being referred to Technology Center AU 1631 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.

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Eric L. Lane**
600 West Broadway, Suite 2600
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

Date : October 2, 2006

Patent No. :6,088,612
Inventor(s) : Daniel Braun et al.
Issued :August 8, 2006
Docket No. :1433.121.101/13208

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of 37 CFR 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Fee(s) Transmittal Form PTOL-85B. After payment of the issue fee, correction of assignment data submitted on the PTOL-85B can only be done by Certificate of Correction under 37 CFR 1.323, with a request under 37 CFR 3.81(b).

A request for a patent to be corrected to state the name of the assignee must:

A. state that the assignment was submitted for recordation as set forth in 37 CFR 3.11 before issuance of the patent;
B. include a request for a certificate of correction under 37 CFR 1.323 along with the fee set forth in 37 CFR 1.20(a); and
C. include the processing fee set forth in 37 CFR 1.17(i).

If the request is granted, Certificates of Correction Branch will be notified that a Certificate of Correction may be issued.

See Manual of Patent Examining Procedure, Section 1481.01 (Rev. 3) (Oct. 2005).

Applicant has not included items A and or C above, accordingly, the request for Certificate of Correction to add or change the assignee data is dismissed.

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

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

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

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

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

Any inquiry concerning this communication should be directed to Ms. A. Green at (703) 308-9380 ext. 123.

Angela Green

For Cecelia Newman
Decisions & Certificates
of Correction Branch
(703) 308-9390 or (703) 308- 9380 ext. 123

Dick, Billig & Czaja, PLLC
100 South Fifth Street,
Minneapolix, MN 55402

CBN/arg

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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.

SIMON, GALASSO & FRANTZ PLC.
P.O. Box 26503
Austin TX 78755-0503

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OFFICE OF PETITIONS

In re Application of :
Smith et al. : DECISION ON PETITION
Application No. 10/923,658 :
Filed: August 20, 2004 :
Atty Docket No. I1651.030004 :

This is a decision on the PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT filed September 24, 2007.

The above-identified application became abandoned for failure to file a timely and proper reply to the NOTICE TO FILE MISSING PARTS OF APPLICATION mailed October 27, 2004. The Notice required applicants to submit the statutory basic filing fee of $790, additional claim fees totalling $552, an executed oath or declaration, replacement drawings, and the late oath or declaration surcharge of $130. The Notice set a two-month period for reply, with extensions of time obtainable under § 1.136(a).

A reply was filed on December 30, 2004 (certificate of mailing dated December 27, 2004). The response included replacement drawings, an executed declaration and authorization to charge the required fees to Deposit Account No. 50-1259. A review of the record indicates that the Office attempted to charge the required fees to the Deposit Account on January 14, 2005; however, the account did not have sufficient funds to cover all of the required fees. Specifically, the record includes a screen print of the balance of Deposit Account No. 50-1259 on January 14, 2005 of $50.00. This record indicates that after the $790 fee and the $130 fee were debited to the Deposit Account, the balance ($50) was insufficient to cover the

required additional claim fees totalling $552. Thus, the reply received December 30, 2004 was insufficient. No proper reply considered timely filed and no extension of time considered obtained, the application became abandoned effective December 28, 2004. A courtesy Notice of Abandonment was mailed on August 27, 2007.

The reply was resubmitted on January 26, 2006, with a request for refund of filing fees purportedly charged in excess of the amounts required. In support thereof, petitioners submitted a copy of their January 2005 Deposit Account statement.

After mailing of the Notice of Abandonment, on September 24, 2007, applicants filed the instant petition. Therein, applicants petition to withdraw the holding of abandonment on the grounds that a response was timely filed by virtue of a response with a certificate of mailing dated December 27, 2004. In support thereof, applicants state they are submitting a copy of their Reply (dated December 27, 2004), a properly itemized postcard receipt, a copy of their Auto-Reply facsimile transmission dated January 26, 2006 and a copy of their Deposit Account statement of January 2005.

There is no dispute that a response to the Notice was timely filed on December 30, 2004. (The Notice of Abandonment is incorrect in stating no reply was received). Nonetheless, the issue is whether the response was proper to prevent abandonment of the application. Petitioners' evidence does not overcome the conclusion that there were not sufficient funds in the account to pay the additional claim fee due of $552. Accordingly, the response was not complete and proper to avoid abandonment of the application. Under the circumstances, withdrawal of the holding of abandonment is not warranted.

The petition under § 1.181 is **DISMISSED**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are not permitted. See 1.181(f).

Alternatively, applicants may seek revival under the provisions of 37 CFR 1.137. Such a request should include a cover letter entitled "Petition under 37 C.F.R. § 1.137(a)" or "Petition under 37 C.F.R. § 1.137(b)," as appropriate.

It is noted that the instant application was abandoned for almost three years when the petition to revive was filed. Accordingly, any petition under 37 CFR 1.137 should include an explanation of the delay in filing the petition. See MPEP 711.03(c).

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

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

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

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

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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Paper No.

SIMON, GALASSO & FRANTZ PLC.
P.O. Box 26503
Austin TX 78755-0503

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OFFICE OF PETITIONS

In re Application of	:	
Smith et al.	:	DECISION ON PETITION
Application No. 10/923,658	:	
Filed: August 20, 2004	:	
Atty Docket No. I1651.030004	:	

This is a decision on the PETITION UNDER 37 CFR 1.137(b) filed March 4, 2008.

The above-identified application became abandoned for failure to file a timely and proper reply to the NOTICE TO FILE MISSING PARTS OF APPLICATION mailed October 27, 2004. The Notice required applicants to submit the statutory basic filing fee of $790, additional claim fees totalling $552, an executed oath or declaration, replacement drawings, and the late oath or declaration surcharge of $130. A courtesy Notice of Abandonment was mailed on August 27, 2007.

By decision mailed February 14, 2008, the PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT filed September 24, 2007 was dismissed. The abandonment was determined to be proper and withdrawal of the holding of abandonment not to be warranted.

In response, applicant filed the instant petition to revive based on unintentional delay. Petitioner has satisfied the requirements of 37 CFR 1.137(b). The petition included the required reply in the form of payment of the outstanding fees; the petition fee; and the required statement of unintentional delay. Further, applicant has submitted additional explanation on the delay in filing the petition. This explanation supports

a conclusion that the entire delay within the meaning of 37 CFR 1.137(b)(3) was unintentional.

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

The application is being forwarded to the Office of Patent Application Processing for completion of pre-examination processing, including processing of the responses submitted on petition filed September 24, 2007 and March 4, 2008.

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

SIMON, GALASSO & FRANTZ PLC
P.O. Box 26503
Austin, TX 78755-0503

In re Application of :
Smith, et al. :
Application No. 10/923,659 : ON PETITION
Filed: August 20, 2004 :
Attorney Docket No.1651.030002

This is a decision on the petition under 37 CFR 1.181 filed on January 27, 2006, to withdraw the holding of abandonment in the above-cited application.

The petition is **DISMISSED**.

The above-identified application became abandoned for failure to file a timely and proper reply to the Notice to File Missing Parts of Nonprovisional Application mailed October 19, 2004, which set a shortened period for reply of two-months from its mailing date. The notice required the payment of the filing fee, surcharge, and the filing of an oath or declaration and replacement drawings. On December 29, 2004, applicant filed replacement drawings, a declaration and authorized the filing fee and surcharge to be charged to deposit account 50-1259. On December 30, 2004, the Office made an attempt to charge the designated deposit account for the requisite fees, however; on December 30, 2004, deposit account 50-1259 had a balance of $5.00. A Notice of Incomplete Reply was mailed On January 14, 2005, again requiring payment of the surcharge and filing fee with the period for response being that stated in the Notice to File Missing Parts of Nonprovisional Application. On March 24, 2005, applicant filed a response again authorizing the filing fee and surcharge to be charged to deposit account 50-1259 and requesting the necessary extension time within the third month. An attempt was made on March 25, 2005, to charge deposit account 50-1259 for the fees, but the deposit account only had a balance of $32.00. Consequently, another Notice of Incomplete Reply was mailed on April 6, 2005, again requiring payment of the surcharge and filing fee with the period for response being that stated in the Notice to File Missing Parts of Nonprovisional Application. A response was filed on July 15, 2005. On August 30, 2005, a Notice of Abandonment was mailed indicating that a complete and timely response to the Notice to File Missing Parts of Nonprovisional Application had not been received.

The instant petition was filed on January 27, 2006. Petitioner argues that the filing of December 29, 2004, was a proper response to the Notice of Incomplete Reply because the Office should have charged the small entity rate for the fees due, not the large entity rate.

Petitioner's argument is not persuasive. The record reflects that on the dates the Office attempted to charge deposit account 50-1259 for the outstanding fees, the balance for the deposit account was not sufficient to cover even the fees due at the small entity rate. Accordingly, whether the Office charged the fees at the large or small entity rate is of little consequence relative to the cause of the abandonment of the application because the designated deposit account did not enough money in it to cover even the minimum charges on the dates that petitioner authorized the charges to be made. The filing fee and

surcharge were not timely received and, therefore, the holding of abandonment for failure to file a timely and proper response to the Notice to File Missing Parts of Nonprovisional Application was proper and will not be withdrawn. The petition is dismissed.

Petitioner should make a filing under 37 CFR 1.28(c) to address the assessment in July of 2005 of fees for the subject application at the large entity.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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P.O. Box 1450
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SIMON, GALASSO & FRANTZ PLC
P.O. Box 26503
Austin, TX 78755-0503

In re Application of :
Smith, et al. :
Application No. 10/923,659 : ON PETITION
Filed: August 20, 2004 :
Attorney Docket No.1651.030002

This is a decision on the renewed petition under 37 CFR 1.181 filed on May 8, 2006 , to withdraw the holding of abandonment in the above-cited application.

The renewed petition is **DISMISSED.**

The above-identified application became abandoned for failure to file a timely and proper reply to the Notice to File Missing Parts of Nonprovisional Application mailed October 19, 2004, which set a shortened period for reply of two-months from its mailing date. The notice required the payment of the filing fee, surcharge, and the filing of an oath or declaration and replacement drawings. On December 29, 2004, applicant filed replacement drawings, a declaration and authorized the filing fee and surcharge to be charged to deposit account 50-1259. On December 30, 2004, the Office made an attempt to charge the designated deposit account for the requisite fees, however; on December 30, 2004, deposit account 50-1259 had a balance of $5.00. A Notice of Incomplete Reply was mailed On January 14, 2005, again requiring payment of the surcharge and filing fee with the period for response being that stated in the Notice to File Missing Parts of Nonprovisional Application. On March 24, 2005, applicant filed a response again authorizing the filing fee and surcharge to be charged to deposit account 50-1259 and requesting the necessary extension time within the third month. An attempt was made on March 25, 2005, to charge deposit account 50-1259 for the fees, but the deposit account only had a balance of $32.00. Consequently, another Notice of Incomplete Reply was mailed on April 6, 2005, again requiring payment of the surcharge and filing fee with the period for response being that stated in the Notice to File Missing Parts of Nonprovisional Application. A response was filed on July 15, 2005. On August 30, 2005, a Notice of Abandonment was mailed indicating that a complete and timely response to the Notice to File Missing Parts of Nonprovisional Application had not been received. A petition under 37 CFR 1.181 was filed on January 27, 2006, and dismissed by a decision mailed March 6, 2006.

The instant renewed petition was filed on May 8, 2006. Petitioner maintains the reason deposit account 50-1259 had insufficient funds in it on December 30, 2004, to cover the filing fee and surcharge for the subject application was because the USPTO allegedly overcharged the deposit account for fees in application 10/923,512. Petitioner argues that the holding of abandonment in the subject application should be withdrawn because sufficient funds would have been in deposit account 50-1259 on December 30, 2004, had the USPTO not made the alleged unwarranted and unauthorized charges.

Relative to the disposition of this renewed petition, the material issue is whether sufficient funds were in the authorized deposit account on December 30, 2004, to charge the filing fee and surcharge. Both the

USPTO and petitioner agree that sufficient funds were not present on December 30, 2004. However, petitioner has the burden of establishing sufficient funds were not present and that the imposition of the holding of abandonment in this case was improper because deposit account 50-1259 was charged $3,1480.00 over what was warranted and authorized. Petitioner has only provided deposit account statements showing charges were made but has not provided any evidence that the charges were made erroneously and in excess of what was required for application 10/923,512. Petitioner will need to provide *prima facie* evidence that the charges made for application 10/923,512 on December 30, 2004, were in error. Petitioner may need to contact the office that made the charges or the Office of Finance to discuss resolution of the matter. Petitioner may also file a petition under 37 CFR 1.28 in application 10/923,512 if the fees were charged at the large entity rate, but should have been charged at the small entity rate. In any case, for purposes of this petition, petitioner must provide conclusive evidence that establishes that deposit account 50-1259 was overcharged resulting in an insufficient balance to pay the filing fee and surcharge.

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

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United States Patent and Trademark Office
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SIMON, GALASSO & FRANTZ PLC
P.O. Box 26503
Austin, TX 78755-0503

In re Application of	:	
Smith, et al.	:	
Application No.: 10/923,659	:	ON PETITION
Filed: August 20, 2004	:	
Attorney Docket No: 1651.030002	:	

This is in response to the petition under 37 CFR 1.137(b) filed October 17, 2006.

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

The subject application was filed August 20, 2004. A Notice to File Missing Parts of Nonprovisional Application was mailed on October 19, 2004, allowing a shortened period for response of two-months from its mailing date. The notice required a proper oath or declaration to be filed, payment of the surcharge, payment of the filing fee, and replacement drawings. Extension of time were available pursuant to 37 CFR 1.136(a). A proper response was noted as being received within in the allowable period and the application became abandoned on December 20, 2004. A Notice of Abandonment was mailed on August 30, 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 replacement drawings and a declaration are noted as having been received on December 29, 2004. The filing fee and surcharge were received on July 15, 2005.

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

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

LEVINE BAGADE HAN LLP
2400 GENG ROAD, SUITE 120
PALO ALTO, CA 94303

Mail Date: 04/28/2010

Applicant	: Robert G. Younge	: DECISION ON REQUEST FOR
Patent Number	: 7618371	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 10/923,660	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/20/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1364** 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

FLIESLER MEYER, LLP
FOUR EMBARCADERO CENTER
SUITE 400
SAN FRANCISCO CA 94111

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FEB 08 2005
OFFICE OF PETITIONS

In re Application of	:	
Thorsten Schmidt	:	
Application No. 10/923,661	:	DECISION ON PETITION
Filed: August 20, 2004	:	
Attorney Docket No.:	:	
PANA-01078USC	:	
Title: SYSTEMS AND METHODS FOR	:	
IMPROVED WORF CALCULATION	:	

This is a decision on the petition filed November 15, 2004, requesting that Figure 12 be accorded a filing date of August 20, 2004, as part of the original disclosure.

The application was deposited on August 20, 2004. However, on October 19, 2004, the Office of Initial Patent Examination (OIPE) mailed a "Notice to File Missing Parts of Nonprovisional Application (notice)", stating that the application had been accorded a filing date, and advising applicants that the application appeared to have been deposited without Figure 12. The notice further indicated that the basic filing fee was required, and set a two-month period for response.

In response, on November 15, 2004, applicants filed the present petition, along with the basic filing fee and fees for additional claims. The petition is further accompanied by a copy of Figure 12, along with a copy of applicants' postcard receipt acknowledging receipt of "No. of Sheets of Drawings 12" in the United States Patent and Trademark Office (Office) on August 20,

2004. Applicants request that Figure 12 be accorded a filing date of August 20, 2004 as part of the original disclosure.

It is noted that 11 sheets of drawings have been located in the electronic file, containing Figures 1 - 11 and 13.

Upon review of the record, the above-mentioned figure has not been located among the application papers. However, the evidence is convincing that the application papers deposited on August 20, 2004 included Figure 12, and the sheet containing this figure was subsequently misplaced in the Office.

Therefore, the application, including Figure 12, was complete on filing and this figure is entitled to a filing date of August 20, 2004 as part of the original disclosure.

Accordingly, the petition is **GRANTED**.

The notice mailed October 19, 2004 was sent in error, and is hereby **VACATED**. Therefore, no petition fee is necessary. The petition fee of $130 will be refunded to petitioner's Deposit Account.

The application file is being returned to the Office of Initial Patent Examination for further processing with a filing date of August 20, 2004, using the original application papers filed on that date, as well as the Figure 12 submitted on November 15, 2004 and for indication in Office records that this figure was present on filing.

The general phone number for the Office of Petitions which should be used for status requests is (571) 272-3282. Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Guido Modiano
DR. MODIANO & ASSOCIATI
Via Meravigli, 16
MILANO 20123 IT ITALY

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OFFICE OF PETITIONS

In re Application of	:	
Giulio Properzi	:	
Application No. 10/923686	:	
Filing or 371(c) Date: 08/24/2004	:	
Attorney Docket Number:	:	
39411/DOB/rf	:	ON PETITION

This is a decision on the "Request for Reconsideration of Holding of Abandonment," filed July 20, 2007. The petition is properly treated under 37 CFR 1.181(a).

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the final office action, mailed October 20, 2006. The Office action set a three (3) month period for reply, and provided for extensions of time under 37 CFR 1.136(a). No response having been received, the application became abandoned on January 21, 2007. A Notice of Abandonment was mailed June 25, 2007.

Applicant's Assertion

Applicant files the instant petition and asserts that a timely response to the Office communication, a Request for Continued Examination ("RCE"), and Amendment, was filed on April 20, 2007, including a three (3) month extension of time. In support of this assertion, Applicant files a copy of the response, which includes a Certificate of Mailing under 37 CFR 1.8, executed by Petitioner herein, certifying to the transmission of the reply on April 20, 2007.

A review of office records also reveals that the response to the Office action was received by this Office on April 20, 2007.

In view of the foregoing, the petition is granted. The holding of abandonment is hereby withdrawn.

No fee has been charged and none is due.

The application will be referred to Technology Center Art Unit 1725 for processing of the RCE and Amendment, and for further examination in the normal course of business.

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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Alexandria, VA 22313-1450
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gm

Mailed : 7-25-07

In re Application of	:	DECISION
Mosbach et al.	:	DENYING
Serial No. 10/923,727	:	PETITION
Filed: August 24, 2004	:	
For: USE OF MOLECULARLY IMPRINTED POLYMERS	:	
FOR STEREO- AND/OR REGIOSELECTIVE SYNTHESIS	:	

This is a decision on the April 5, 2007, "Petition Under 37 CFR 1.103(a) for Further Suspension of Action" requesting that prosecution be suspended for an additional six months.

A first request for suspension was filed on April 7, 2006, and was granted by the examiner for a period of six months beginning on October 16, 2006.

The instant petition was then timely filed on April 5, 2007 and is before the Director of Technology Center 1700 for consideration.

The petition is **DENIED** for the reasons below.

DECISION

Under 37 CFR 1.103(a), a petition for suspension of action must "present good and sufficient reasons why the suspension is necessary." See MPEP 709. In the instant case, applicant refers only to the "lengthy continuation/prosecution history" as the basis for a further suspension.

It is not clear how a lengthy prosecution history in any way justifies making the prosecution history even lengthier.

Applicant's request for further suspension is therefore **denied** as lacking good and sufficient reasons for the suspension.

10/923,727

The application has been forwarded to the examiner for appropriate action on the July 24, 2006 response.

Jacqueline M. Stone

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

MORGAN & FINNEGAN, L.L.P.
Three World Financial Center
New York NY 10281-2101

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JUL 06 2009

TECHNOLOGY CENTER 2100

BRUNDIDGE & STANGER, P.C.
1700 DIAGONAL ROAD, SUITE 330
ALEXANDRIA VA 22314

In re Application of: TANAKA, Atsushi.
Application No. **10/923,732**
Filed: August 24, 2004
Atty Docket No. TMI-5154-02
Title: **DISK CONTROL UNIT AND STORAGE SYSTEM**

DECISION ON PETITION UNDER 37 C.F.R. § 1.181

This is a decision on the petition filed on June 12, 2009 under 37 CFR § 1.181(a)(3) requesting that the Examiner consider references listed on the PTO-1449 filed with the Information Disclosure Statements (IDS) enclosed with this petition

The petition is **DISMISSED AS MOOT**.

A review of the file of instant application indicates that on June 29, 2009, the Office considered each of the references listed on the PTO-1449 above mentioned and that applicant was informed of such via a PTO-90C communication. Examiner's Interview Summary mailed 6/29/09 provides a clarification as to Examiner's consideration of the above mentioned IDS. Since the above mentioned IDS has been already considered, this petition is rendered moot.

Additionally, it is noted that in accordance with the MPEP 609.04(b): III. INFORMATION DISCLOSURE STATEMENT FILED AFTER MAILING OF FINAL ACTION, NOTICE OF ALLOWANCE, OR AN EX PARTE QUAYLE ACTION (37 CFR 1.97(c)) BUT PRIOR TO PAYMENT OF ISSUE FEE (37 CFR 1.97 (d))

An information disclosure statement will be considered by the examiner if filed on or after the mailing date of any of the following: a final action under 37 CFR §1.113; a notice of allowance under 37 CFR §1.311; or an action that closes prosecution in the application, e.g., an Ex parte Quayle action, but before or simultaneous with payment of the issue fee, provided the statement is accompanied by: (A) a statement as specified in 37 CFR 1.97(e) (see the discussion in subsection V; and (B) the fee set forth in 37 CFR 1.17(p).

These requirements are appropriate in view of the late stage of prosecution when the information is being submitted, i.e., after the examiner has reached a final determination on the patentability of the claims presented for examination. Payment of the fee (37 CFR 1.17(p)) and submission of the appropriate statement (37 CFR 1.97(e)) are the essential elements for having information considered at this advanced stage of prosecution, assuming the content requirements of 37 CFR 1.98 are satisfied. The corresponding fee associated with 1.17 (p) for an information disclosure statement under § 1.97(c) or (d) or a submission under § 1.99..... is $180.00.

Accordingly, Petitioner's Deposit Account No. 50-4888 will be **charged** $180.00 for the IDS fee under 37 CFR` § 1.97(d) charged on June 12, 2009.

Furthermore, since the petition under 37 CFR § 1.181 requires no fee, Petitioner's Deposit Account No. 50-4888 will be **credited** $130.00 charged on June 12, 2009.

Accordingly, the petition is **DISMISSED AS MOOT**.

Any inquiry regarding this decision should be directed the undersigned whose telephone number is (571) 272-3902. If attempts to reach the undersigned by telephone are unsuccessful, Kim Huynh, Quality Assurance Specialist, can be reached at (571) 272-4147.

/bp/

/Beatriz Prieto/

Beatriz Prieto, Quality Assurance Specialist
Technology Center 2400
Network, Multiplexing, Cable and Security

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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ROBERT E. BUSHNELL & LAW FIRM
2029 K STREET NW
SUITE 600
WASHINGTON, DC 20006-1004

Mail Date: 04/20/2010

Applicant	: Kyu-Nam Han	: DECISION ON REQUEST FOR
Patent Number	: 7642005	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/923,749	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/24/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1050** 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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Otto G. Glatt
4 Crown Point
Ballston Lake, NY 12019

MAIL

NOV 1 2 2004

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application of
Otto Glatt
Application No. 10/923,765
Filed: October 12, 2004
For: 360-DEGREE PANORAMIC SCENE-STORAGE DEVICE

DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the petition under 37 C.F.R. §1.102 to make special filed October 12, 2004 which is considered as pursuant to MPEP §708.02 (IV), applicant's age.

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

The petition includes a copy of his Birth Certificate 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.

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

Kenneth A. Wieder
Special Program Examiner
Technology Center 2600
Communications
(571) 272-2986

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KRATZ, QUINTOS & HANSON, LLP
1420 K Street, N.W.
Suite 400
WASHINGTON DC 20005

MAILED
JUN 23 2009
OFFICE OF PETITIONS

In re Patent No. 7,244,964 :
Issue Date: July 17, 2007 :
Application No. 10/923,830 : ON PETITION
Filed: August 24, 2004 :
Attorney Docket No. 001699A :

This is a decision on the petition filed November 14, 2007, 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 delay in responding is regretted; however, the communication was recently referred to the undersigned for consideration.

The request is **GRANTED**.

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: —

DATE : 4/23/09

TO SPE OF : ART UNIT 2877

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/923856 Patent No.: 7502125 B2

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

Certificates of Correction Branch (C of C)
Randolph Square 9D62-B
Palm Location 7580

Virginia Tolbert
Certificates of Correction Branch
703-756-1591

Thank You For Your Assistance

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

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

Comments: Approved.

/Gregory J. Toatley, Jr./ — **SPE**

2877 — **Art Unit**

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: —

DATE : 4/23/09

TO SPE OF : ART UNIT 2877

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/923856 Patent No.: 7502125 B2

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

Certificates of Correction Branch (C of C)
Randolph Square 9D62-B
Palm Location 7580

Virginia Tolbert
Certificates of Correction Branch
703-756-1591

Thank You For Your Assistance

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

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

Comments: Approved.

/Gregory J. Toatley, Jr./ 2877

SPE **Art Unit**

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Date Mailed : August 2, 2007
Patent No. :7,123,849 B2
Ser. No. :10/923866
Inventor(s) :Barbara Sheila Goldberg, et al.
Issued :August 2, 2007
Title: ADHESIVE DISPENSING ARRANGEMENT

Re: Request for Certificate of Correction

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

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

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

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

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

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

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

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

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
40l Dulany Street
Alexandria, VA 22314

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

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

Magdalene Talley
For Cecelia Newman, Supervisor
Decisions & Certificates
of Correction Branch
(703) 308-9390 ext. 116 or 125

Coleman Sudol Sapone, PC,
714 Colorado Avenue
Bridgeport, CT 06605

CBN/mt

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COLEMAN SUDOL SAPONE, P.C.
714 COLORADO AVENUE
BRIDGE PORT CT 06605-1601

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AUG 2 4 2007

OFFICE OF PETITIONS

In re Patent No. 7,238,849	:	
Application No. 10/923,866	:	
Filed: August 24, 2002	:	ON PETITION
Issued: July 3, 2007	:	
Attorney Docket No. 9913/9-1953B	:	

This is a decision on the petition filed August 6, 2007, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the addresses of the assignees on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

The patent file is being forwarded to the Certificates of Correction Branch for issuance of the requested Certificate of Correction.

Telephone inquiries concerning this decision may be directed to Petitions Examiner Liana Walsh at (571) 272-3206. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

Liana Walsh for
Frances Hicks
Petitions Examiner
Office of Petitions

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: X

DATE : April 23, 2008

TO SPE OF : ART UNIT 2625

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/923878 Patent No.: 7268908 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.

Formatted: Indent: Left: 1.22"

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

Comments: _____

SPE

2625
Art Unit

PTOL-306 (REV. 7/03)

U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office

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KANESAKA BERNER AND PARTNERS LLP
1700 DIAGONAL RD
SUITE 310
ALEXANDRIA VA 22314-2848

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OFFICE OF PETITIONS

In re Application of	:	
Yasuhiro Yokoyama	:	
Application No. 10/923,897	:	DECISION GRANTING PETITION
Filed: August 24, 2004	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. FUJ-004	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed June 26,2008, 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 6, 2007 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 1733 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Terri Williams
Petitions Examiner
Office of Petitions

---

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

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Suite D
HUNTSVILLE AL 35801

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OFFICE OF PETITIONS

In re Application of Barnes Application No. 10/923,906 Filed: August 23, 2004 Attorney Docket No.: 08-0116.25 Title: AIR PURIFICATION AND DECONTAMINATION FOR HAZMAT SUITS	DECISION ON PETITION PURSUANT TO 37 C.F.R. § 1.137(B)

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed August 31, 2009, to revive the above-identified application.

This petition pursuant to 37 C.F.R. § 1.137(b) is **GRANTED**.

The 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 February 25, 2009, 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 May 26, 2009. A Notice of Abandonment was mailed on June 24, 2009.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed;
(2) The petition fee as set forth in 37 C.F.R.

1 See MPEP § 710.02(e)(III).

§ 1.17(m);

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

(4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

With this petition pursuant to 37 C.F.R. § 1.137(b), Petitioner has submitted the proper statement of unintentional delay, the petition fee, and the issue fee. 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 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

---

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.

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Commissioner for Patents
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Paper No.

Keith Kline
PRO-TECHTOR INTERNATIONAL
SERVICES
20775 Norada Court
Saratoga CA 95070-3018

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AUG 21 2007

OFFICE OF PETITIONS

In re Application of	:	
Hsin et al.	:	DECISION ON
Application No. 10/923,908	:	PETITION
Filed: August 21, 2004	:	
Attorney Docket No. 2011162	:	

This is a decision on the PETITION TO REVIVE UNINTENTIONALLY ABANDONED APPLICATION, filed June 5, 2007.

The petition is **GRANTED**.

The above-identified application was abandoned for failure to timely file a proper reply to the final Office action mailed August 15, 2006. This Office action set a shortened statutory period for reply of three (3) months from the mail date of the action. No proper reply having been received and no extension of time obtained the application became abandoned effective November 16, 2006. A courtesy Notice of Abandonment was mailed on April 3, 2007.

On petition, petitioner submitted a Request for Continued Examination (RCE)(and RCE fee) and submission under §1.114 (in the form of an amendment); paid the petition fee; and made the required statement of unintentional delay. Further, the petition included a statement of the facts supporting a conclusion that the delay was unintentional.

Technology Center AU 2878 has been advised of this decision. The application is, thereby, forwarded to the examiner for consideration of the RCE and submission submitted on petition filed June 5, 2007.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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JOSEPH J. LAKS
THOMSON LICENSING LLC
2 INDEPENDENCE WAY, PATENT OPERATIONS
PO BOX 5312
PRINCETON NJ 08543

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JUL 21 2008

OFFICE OF PETITIONS

In re application of: :
Jian Zhao et al :
Application No. 10/923,946 : NOTICE
Filed: August 23, 2004 :
Attorney Docket No. MEDS05010DIV1 :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

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

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

This application no longer qualifies for small entity status. Accordingly, all future fees in this file must be paid at the large entity rate, absent further notification from a proper party of a change in status. ***See 37 CFR 1.27(c)(2).***

A petition fee is not required for the above matter. Therefore, petitioner may request a refund of the $130 fee submitted on January 10, 2008, by writing to the Office of Finance, Refund section. A copy of this decision should accompany the request.

There is no indication that the person signing the instant request was ever given a power of attorney or authorization of agent to prosecute the above-identified application. If the person signing the instant request desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. While a courtesy copy of this decision is being mailed to the person signing the instant request, all future correspondence will be directed to the address currently of record until such time as appropriate instructions are received to the contrary.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3208.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

cc:

GORDON E. NELSON
57 CENTRAL ST., P.O. BOX 782
ROWLEY, MA 01969

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Robert D. Shedd, Patent Operations
THOMSON Licensing LLC
P.O. Box 5312
Princeton, NJ 08543-5312

Mail Date: 04/21/2010

Applicant	: Jian Zhao	: DECISION ON REQUEST FOR
Patent Number	: 7630511	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/923,946	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/23/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **830** 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 : 7/14/06

Paper No.: ____

TO SPE OF : ART UNIT 2637

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/983950 Patent No.: 6985515B2

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

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

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

Virginia Tolbert
Certificates of Correction Branch

703-308-9390 ext. 113

Thank You For Your Assistance

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

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

Comments: _____

TEMESGHEN GHEBRETINSAE
PRIMARY EXAMINER

SPE

2611
Art Unit

PTOL-306 (REV. 7/03)

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SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

Mail Date: 04/21/2010

Applicant	: Brian Timothy McCoy	: DECISION ON REQUEST FOR
Patent Number	: 7595970	: RECALCULATION of PATENT
Issue Date	: 09/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/923,952	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/23/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **291** 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

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

In re Application of Fady Moussallam, et al. Application No. 10/923,969 Filed: August 23, 2004 Attorney Docket No. 26686-701.201	: : : : : :	DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 15, 2006.

The request is **MOOT**.

A review of the file record indicates that the power of attorney to WILSON SONSINI GOODRICH & ROSATI has been revoked by the assignee of the patent application on July 27, 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 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

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

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STERNE KESSLER GOLDSTEIN & FOX, P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

Mail Date: 04/21/2010

Applicant	: Thomas E. Domack	: DECISION ON REQUEST FOR
Patent Number	: 7597845	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/923,975	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/23/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1386** 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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PERKINS COIE LLP
PATENT-SEA
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SEATTLE, WA 98111-1247

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OFFICE OF PETITIONS

In re Application of	:	
Theodore F. Economy, et al.	:	
Application No. 10/923,976	:	DECISION GRANTING PETITION
Filed: August 23, 2004	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 213828036US	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed May 27, 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 May 18, 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. 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 3687 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.*

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PERKINS COIE LLP
PATENT-SEA
P.O. BOX 1247
SEATTLE, WA 98111-1247

Mail Date: 04/20/2010

Applicant	: Theodore F. Economy	: DECISION ON REQUEST FOR
Patent Number	: 7580859	: RECALCULATION of PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/923,976	: OF WYETH
Filed	: 08/23/2004	:
		:

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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HOLMDEL NJ 07733

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OFFICE OF PETITIONS

In re Application of	:	
Perez-Breva et al.	:	
Application No. 10/924,040	:	ON PETITION
Filed: August 23, 2004	:	
Attorney Docket No. 465-022US	:	

This is a decision on the renewed petition under 37 CFR 1.102(c)(1), filed August 31, 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 the applicant's United States Passport. Accordingly, the above-identified application has been accorded "special" status.

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

This matter is being referred to the Technology Center Art Unit 2617 for action on the merits commensurate with this decision.

Liana Walsh
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

In re Application of :
Perez-Breva et al. :
Application No. 10/924,040 : DECISION ON PETITION
Filed: 08-23-2004 :
Attorney Docket No. 465-022us :

This is a decision on the petition under 37 CFR 1.1.137(a), filed January 3, 2007, to revive the above-identified application. The petition was recently forwarded to the Office of Petitions for a decision on the merits. The Office sincerely apologizes for any inconvenience to petitioner.

On January 23, 2006, the Office mailed a nonfinal Office Action, which set a three-month shortened statutory period for reply. In the absence of a timely filed response, the application was held abandoned on April 24, 2006.

The petition satisfies the requirements of 37 CFR 1.137(a) in that petitioner has supplied (1) the required reply in the form of an amendment; (2) the petition fee of $250.00; and (3) a showing to the satisfaction of the Director that the entire delay was unavoidable. Accordingly, the petition is **granted**.

This matter is being referred to Technology Center Art Unit 2617 for review of the reply submitted on January 3, 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

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BEIRNE MAYNARD & PARSONS, LLP
STE. 2500
1300 POST OAK BLVD.
HOUSTON, TX 77056-3000

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OFFICE OF PETITIONS

In re Application of :
Louis J. Wardlaw et al :
Application No. 10/924,055 :
Filed: August 20, 2004 :
Attorney Docket No. 002663/000156 :

ON PETITION

This is a decision on the petition filed June 6, 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 January 25, 2007, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on April 26, 2007.

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.

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

This matter is being referred to the Publishing Division for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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WILLIAM C. NORVELL, JR.
BEIRNE MAYNARD & PARSONS, L.L.P.
STE. 2500
1300 POST OAK BLVD.
HOUSTON, TX 77056-3000

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OFFICE OF PETITIONS

In re Application of	:	
Louis J. Wardlaw	:	
Application No. 10/924,056	:	ON PETITION
Filed: August 20, 2004	:	
Attorney Docket No. 002663/000156	:	

This is a decision on the petition filed February 6, 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 Issue fee and Publication fee in a timely manner in reply to the Notice of Allowance mailed September 26, 2006, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on December 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 fee and Publication fee; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the issue fee is accepted as having been unintentionally delayed.

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

This matter is being referred to the Publishing Division for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

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William C. Norvell, Jr.
Beirne, Maynard & Parsons, L.L.P.
Ste. 2500
1300 Post Oak Boulevard
Houston, TX 77056-3000

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MAR 23 2009

OFFICE OF PETITIONS

In re Application of	:	
Louis J. Wardlaw	:	
Application No. 10/924,057	:	DECISION ON
Filed: August 20, 2004	:	PETITION TO WITHDRAW
Attorney Docket No. 002663/000156	:	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, 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 there is no indication that the acts noted in the above-identified certifications have been performed. Refer to Form No. PTO/SB/83 (Updated 4/2008).

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 571-272-4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Hot-Hed, Inc.
Attn: Mr. Samer Alazem
5322 HH Addicks – Satsuma Road
Houston, TX 77284-0305

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OFFICE OF PETITIONS

In re Application of	:
Greg E. Blonder	:
Application No. 10/924,058	: DECISION ON PETITION
Filed: August 23, 2004	: UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 13558-14	:

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 applications set forth in the amendment filed with the petition.

The petition is **DISMISSED**.

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

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

The petition does not satisfy item (1) above.

The reference to add the prior-filed applications is not acceptable as drafted since it improperly incorporates by reference the prior-filed applications. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 120 after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 120 is submitted after the filing of an application,

the reference to the prior application cannot include an incorporation by reference statement of the prior application(s). *See* Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note* MPEP §§ 201.06(c) and 608.04(b). Additionally, the reference should indicate that the amendment is to the first line of the specification following the title of the invention.

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, petitioner should promptly notify the Office.

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

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

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

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

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

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

Frances Hicks

Frances Hicks
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

In re Application of	:
Greg E. Blonder	:
Application No. 10/924,058	: DECISION ON PETITION
Filed: August 23, 2004	: UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 13558-14	:

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed March 27, 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 **dismissed**.

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

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

The petition fails to comply with item (1) above. Unfortunately, at the time of mailing the first decision on petition, the defect in the claim for benefit of priority in Application No. 10/378,510 was not noted. More specifically, a proper reference in the chain for benefit of priority is not present in Application No. 10/378,510. In this regard, while Application No. 10/378,510 references Application No. 09/934,744 in the chain, there is no like chain from Application No. 09/934,744 to Application No. 09/442,229. Further, the printed patent for Application No. 10/378,510 reflects only a claim for benefit to Application No. 09/934,744.

Petitioner is advised that, where an application claims a benefit under 35 U.S.C. 120 of a chain of applications, the application must make a reference to the first (earliest) application and every intermediate application. *See* Sampson v. Ampex Corp., 463 F.2d 1042, 1044-45, 174 USPQ 417, 418-19 (2d Cir. 1972); Sticker Indus. Supply Corp. v. Blaw-Knox Co., 405 F.2d 90, 93, 160 USPQ 177, 179 (7th Cir. 1968); Hovlid v. Asari, 305 F.2d 747, 751, 134 USPQ 162, 165 (9th Cir. 1962). See also MPEP § 201.11. In addition, every intermediate application must also make a reference to the first (earliest) application and every application after the first application and before such intermediate application. MPEP Section 201.06(d). Therefore, since it does not appear that Application No. 10/378,510 references prior-filed Application No. 09/442,229, as required by 37 CFR 1.78(a)(2)(i), petitioner herein may wish to consider filing a petition under 37 CFR 1.78(a)(3) in that patented file. *Note* MPEP Section 1481, which states, in part:

> Under certain conditions as specified below, however, a Certificate of Correction can still be used, with respect to 35 U.S.C. 120 priority, to correct:
> (A) the failure to make reference to a prior copending application pursuant to 37 CFR 1.78(a)(2); or
> (B) an incorrect reference to a prior copending application pursuant to 37 CFR 1.78(a)(2).
>
> Where priority is based upon 35 U.S.C. 120 to a national application, the following conditions must be satisfied:
> (A) all requirements set forth in 37 CFR 1.78(a)(1) must have been met in the application which became the patent to be corrected;
> (B) it must be clear from the record of the patent and the parent application(s) that priority is appropriate (see MPEP § 201.11); and
> (C) a grantable petition to accept an unintentionally delayed claim for the benefit of a prior application must be filed, including a surcharge as set forth in 37 CFR 1.17(t), as required by 37 CFR 1.78(a)(3).

In view of the above, the petition in this case cannot be granted at this time to include a claim for benefit of priority to Application No. 09/442,229, until a petition under 37 CFR 1.78(a)(3) has been granted in Application No. 10/378,510 (Patent No. 7,112,362) to accept a late claim for benefit priority to Application No. 09/442,229. The petition should also include a certificate of correction and fee of $100.

Any request for reconsideration of this decision should be accompanied by a renewed petition under 37 CFR 1.78(a)(3).

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

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

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

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

Frances Hicks
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

LOWENSTEIN & SANDLER PC
65 LIVINGSTON AVENUE
ROSELAND, NJ 07068-1791

COPY MAILED

MAY 10 2007

OFFICE OF PETITIONS

In re Application of	:
Greg E. Blonder	:
Application No. 10/924,058	: DECISION ON PETITION
Filed: August 23, 2004	: UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 13558-14	:

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed May 7, 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 March 27, 2007.

The petition is **GRANTED**.

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

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

All of the above requirements having been satisfied, the late claim for benefit of priority under 35 U.S.C. § 120 is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed 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 the undersigned at (571) 272-3218. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 1772 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.

Frances Hicks
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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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	TOT CLMS	IND CLMS
10/924,058	08/23/2004	1772	450	13558-14	10	1

CONFIRMATION NO. 4379

CORRECTED FILING RECEIPT

OC000000023776439

Docket Administrator
Lowenstein Sandler PC
65 Livingston Avenue
Roseland, NJ 07068-1791

Date Mailed: 05/09/2007

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)

Greg E. Blonder, Summit, NJ;

Power of Attorney:

Glen Books--24950
Michael Johannesen--35557
Stephen Buckingham--40538
Alexander Pagano--44994
George Morgan--46505
Justin Petruzzelli--52118
Daniel Sierchio--53591

Domestic Priority data as claimed by applicant

This application is a CIP of 10/353,248 01/28/2003 PAT 6,966,812
which is a CIP of 09/934,744 08/22/2001 ABN
This application 10/924,058
is a CIP of 10/378,510 03/03/2003 PAT 7,112,362
which is a DIV of 09/934,744 08/22/2001 ABN
which is a DIV of 09/442,229 11/17/1999 ABN

Foreign Applications

If Required, Foreign Filing License Granted: 10/20/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/924,058

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Beverage safety lid

Preliminary Class

428

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING

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

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

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign 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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JONES DAY
222 EAST 41ST ST
NEW YORK, NY 10017

Mail Date: 04/23/2010

Applicant	: Jonathan Templin	: DECISION ON REQUEST FOR
Patent Number	: 7628614	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/924,069	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/23/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1476** 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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2040 MAIN STREET
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IRVINE, CA 92614

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OFFICE OF PETITIONS

In re Application of :
Ishihara, et al. :
Application No. 10/924,073 : ON PETITION
Filed: August 23, 2004 :
Attorney Docket No. SAEGU95.001C1 :

This is a decision on the petition under 37 CFR 1.181, filed July September 1, 2005, to withdraw the holding of abandonment. The petition was recently forwarded to this office for consideration.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice) mailed October 22, 2004. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on December 23, 2004. A Notice of Abandonment was mailed on July 11, 2005.

Petitioner asserts that a response to the October 22, 2004 Office action was submitted timely on October 29, 2004. In support, petitioner has submitted a copy of the response allegedly submitted on October 29, 2004. A review of the response, an amendment, drawings and a petition to submit color drawings, include an executed Certificate of Mailing under 37 CFR 1.8 dated October 29, 2004. Additionally, petitioner has submitted a statement under 37 CFR 1.8(b)(3) by Katsuhiro Arai, the individual who signed the Certificate of Mailing.

Accordingly, the petition is granted and the holding of abandonment is withdrawn.

This application is being forwarded to the Office of Initial Patent Examination, for review of the response, filed September 1, 2005 (Certificate of Mailing date: October 29, 2004), *in due course*.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3228.

Edward J. Tannouse
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

OIPE IAP37
AUG 14 2006
PATENT & TRADEMARK OFFICE

IFW

PATENT

Case Docket No. SAEGU95.001C1
Date: August 11, 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s)	:	ISHIHARA, et al.
Appl. No.	:	10/924,073
Filed	:	August 23, 2004
For	:	ELECTROMAGNETIC WAVE SHIELDING KNITTED MATERIAL AND ELECTROMAGNETIC WAVE SHIELDING GARMENT
Examiner	:	Unknown
Group Art Unit	:	1771

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Office of Initial Patent Examination, Customer Service Center, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

August 11, 2006
(Date)

Katsuhiro Arai, Reg. No. 43,315

TRANSMITTAL LETTER

Office of Initial Patent Examination
Customer Service Center
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The applicants were notified that the petition filed July 15, 2005 to withdraw the holding of abandonment was granted and that the application is being forwarded to the Office of Initial Patent Examination for review of the response filed September 1, 2005. To avoid possible further delay on the examination procedures, we hereby submit three (3) sets of color of Figures 8, 9, 10, and 12 and a set of black and white photocopies for the color drawings for your reference. We confirmed that a check in amount of $130.00 filed with the response on October 29, 2004 was cleared by the Office. We believe no fees to be required on this submission. However, should any fees be necessary for this request, please charge them to our Deposit Account No. 11-1410.

Enclosed in support of this submission are the following:

(X) Three (3) sets of color of Figures 8, 9, 10, 11 and 12; A set of black and white photocopies for the color drawings.

(X) A copy of the Decision on Petition mailed August 2, 2006.

PATENT

Case Docket No. SAEGU95.001C1
Date: August 11, 2006

(X) A copy of cleared check No. 66716 issued on October 29, 2004.

(X) Return prepaid postcard.

Katsuhiro Arai
Registration No. 43,315
Attorney of Record
Customer No. 20,995
(949) 760-0404

2830553
081106

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IRVINE, CA 92614

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OFFICE OF PETITIONS

In re Application of :
Ishihara, et al. :
Application No. 10/924,073 : ON PETITION
Filed: August 23, 2004 :
Attorney Docket No. SAEGU95.001C1 :

This is a decision on the petition under 37 CFR 1.181, filed July September 1, 2005, to withdraw the holding of abandonment. The petition was recently forwarded to this office for consideration.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice) mailed October 22, 2004. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on December 23, 2004. A Notice of Abandonment was mailed on July 11, 2005.

Petitioner asserts that a response to the October 22, 2004 Office action was submitted timely on October 29, 2004. In support, petitioner has submitted a copy of the response allegedly submitted on October 29, 2004. A review of the response, an amendment, drawings and a petition to submit color drawings, include an executed Certificate of Mailing under 37 CFR 1.8 dated October 29, 2004. Additionally, petitioner has submitted a statement under 37 CFR 1.8(b)(3) by Katsuhiro Arai, the individual who signed the Certificate of Mailing.

Accordingly, the petition is granted and the holding of abandonment is withdrawn.

This application is being forwarded to the Office of Initial Patent Examination, for review of the response, filed September 1, 2005 (Certificate of Mailing date: October 29, 2004), *in due course*.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3228.

Edward J. Tannouse
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

List Payment Allocations

Selected Payment

Type: Check, BRC: 121000248, Acct. Nb.: XXXXXX5140, Nb.: 066716

Amount: 130.00 **Accounting Date:** 11/02/2004 **Created By:** SSESHE1

Batch No.: 1 **Seq. No.:** 12251901 **Status:** A

	Amount	Allocated By
, Nm./Number: 10924073	130.00	SSESHE1

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

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OFFICE OF PETITIONS

In re Application of
Mintz, Bernstein, Eshel, Toporik, and Chen
Application No. 10/924,074
Filed: August 23, 2004
Attorney Docket No. **28800-501CIP**
For: CD40 SPLICE VARIANTS, COMPOSITIONS FOR MAKING AND METHODS OF USING THE SAME

: DECISION REFUSING STATUS
: UNDER 37 CFR 1.47(a)

This is a decision on the petition under 37 CFR 1.47(a) March 28, 2005.

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

Any request for reconsideration under this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Failure to respond will result in the abandonment of this application. Any response should be titled "Request for Reconsideration of Petition Under 37 CFR 1.47(a).

The above-identified application was filed on August 23, 2004, and was not accompanied by an executed oath or declaration. On October 27, 2004, the Office of Initial Patent Examination mailed a Notice to File Missing Parts of Non-provisional Application requiring a properly executed declaration, payment of a surcharge, replacement drawings, and documentation relative to the sequence listing. The notice allowed an extendable period for reply of two months from its mailing date. On March 28, 2005, the instant petition was filed accompanied by a request for an extension of time within the third month.

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

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

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

(3) the petition fee,

(4) a statement of the last known address of the non-signing inventor,

The instant petition lacks item (2) above.

As to item (2), the declaration filed is not acceptable because it does not provide the citizenship for the inventors as required by 37 CFR 1.63(a)(3). The renewed petition must be accompanied by a declaration that indicates the citizenship of all of the joint inventors.

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

By mail: Mail Stop Petitions
Commissioner for Patents,
PO Box 1450
Alexandria, VA 22313-1450

By FAX: (703) 872-9306
Attn: Office of Petitions

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

Kenya A. McLaughlin

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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AND POPEO, P.C.
ONE FINANCIAL CENTER
BOSTON, MA 02111

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OFFICE OF PETITIONS

In re Application of
Mintz, Bernsetin, Eshel, Toporik, and Chen
Application No.: 10/924,074
Filed: August 23, 2004
Attorney Docket No: 28800-501CIP
For: CD40 SPLICE VARIATNTS, COMPOSITIONS FOR MAKING AND METHODS OF USING THE SAME

: DECISION ACCORDING
: RULE 47(a) STATUS

This is in response to the renewed petition under 37 CFR 1.47(a), filed July 20, 2005.

The renewed petition is **GRANTED**.

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

The above-identified application was filed on August 23, 2004, and was not accompanied by an executed oath or declaration. On October 27, 2004, the Office of Initial Patent Examination mailed a Notice to File Missing Parts of Non-provisional Application requiring a properly executed declaration, payment of a surcharge, replacement drawings, and documentation relative to the sequence listing. The notice allowed an extendable period for reply of two months from its mailing date. On March 28, 2005, a petition under 37 CFR 1.47(a) was filed accompanied by a request for an extension of time within the third month. The petition was dismissed by a decision mailed May 10, 2005.

Petitioner has shown that inventor Mintz has refused to join the prosecution of the above-identified application after having been presented with the application papers. The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

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

It is noted that a request for an extension of time within the first month was filed with the renewed petition, however; an extension of time within the second month is necessary in order to make the renewed petition timely. The decision dismissing the first petition under 37 CFR 1.47 was mailed on May 10, 2005, and allowed a period for reply of two months from its mailing date. The instant petition was filed July 20, 2005, and did not include a certificate of mailing under 37 CFR 1.8. Accordingly, an extension of time within the second month is required. Deposit account 50-0311 will be charged an additional $165.00, accordingly.

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

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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BAKER BOTTS L.L.P.
30 ROCKEFELLER PLAZA
44TH FLOOR
NEW YORK NY 10112-4498

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In re Patent No. 7,281,616	:	
Issue Date: October 16, 2007	:	
Application No. 10/924,082	:	NOTICE
Filed: August 23, 2004	:	
Attorney Docket No. A36162-072841.0233	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

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

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

This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Sara D. Vinarov
Quarles & Brady LLP
P.O. Box 2113
Madison, WI 53701-2113

Mail Date: 04/21/2010

Applicant	: Michael E.M. Larson	: DECISION ON REQUEST FOR
Patent Number	: 7585680	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/924,105	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/23/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1109** 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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WILLIAMS, MORGAN & AMERSON
10333 RICHMOND, SUITE 1100
HOUSTON, TX 77042

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JUN 08 2009

OFFICE OF PETITIONS

In re Application of
Samuel et al.
Application No. 10/924,115
Filed: August 23, 2004
Attorney Docket No. 2100.007000
BATTAGLIA 2-

DECISION ON PETITION

This is a decision on the petition, filed March 17, 2009, which is being treated as a petition under 37 CFR 1.137(b) requesting withdrawal of the holding of abandonment in the above-identified application. This petition will also be treated under 37 CFR 1.181.

The petition under 37 CFR 1.181 is **DISMISSED**.[1]
The petition under 37 CFR 1.137(b) is **GRANTED**.

This application was held abandoned for failure to reply to the non-final Office action mailed November 16, 2007, which set a three (3) month shortened statutory period for reply. A Notice of Abandonment was mailed on June 19, 2008.

Petitioner asserts that the non-final Office action dated November 16, 2007 was not received. Petitioner insists that the Office action was mailed to an incorrect address, which resulted in the abandonment of the application. Petitioner contends the incorrect mailing was due to PTO error. Petitioner also requests that the petition to revive fee be waived.

Petitioner's argument has been considered, but determined not to be persuasive. A review of the record shows that upon filing petitioner submitted a transmittal letter, which requested that correspondence address be mailed to two conflicting customer numbers. The Office selected the first customer provided number 23270 as the correspondence address of record. Pursuant to MPEP 403, where more than one correspondence address is specified, the Office will select one of the correspondence addresses for use as the correspondence address. This is intended to cover, for example, the situation where an application is submitted with multiple addresses, such as one correspondence address being given in the application transmittal letter, and a different one in an accompanying 37 CFR 1.63 oath or declaration, or other similar situations. The Office will select which of the multiple correspondence addresses to use according to the following order: (A) application data sheet (ADS); (B) application transmittal; (C) oath or declaration (unless power of attorney is more current); and (D) power of attorney. If more than one

[1] Any petition under 37 CFR 1.181 not filed within two months of the mailing date of the action or notice from which relief is requested may be dismissed as untimely.

correspondence address is specified in a single document, the Office will select the address associated with a customer number over a typed correspondence address. As such the Office did not err in utilizing customer number 23270 provided in the transmittal letter. However, petitioner intended that correspondence address associated with customer no. **23720** be used as the correspondence address of record. The fact that applicants provided an incorrect customer, resulted in the Office action being mailed to the incorrect address.

As to the submission of the status inquires, a review of the documents submitted shows that, the documents did not request a change of the correspondence address. The fact that petitioner received mail from the Assignment branch, is not germane because petitioner provided the correct mailing address on the assignment recordation form. A document, which includes a different address submitted to the assignment branch, does not trigger a change to the correspondence address. The mere inclusion, in a paper filed in an application for another purpose, of an address differing from the previously provided correspondence address, without mention of the fact that an address change was being made does not constitute proper notification of a change in correspondence address. See MPEP 711.03(c),

Although the record shows that a request was made to change the correspondence address record on April 19, 2006, an appropriate party did not properly sign the request. Pursuant to 37 CFR 1.33, where a § 1.63 oath or declaration has been filed by any of the inventors. If a § 1.63 oath or declaration has been filed, or is filed concurrent with the filing of an application, by any of the inventors, the correspondence address may be changed by the parties set forth in paragraph (b) of this section, except for paragraph (b)(2).

> (b) Amendments and other papers . Amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by:
> (1) A patent practitioner of record appointed in compliance with § 1.32(b);
> (2) A patent practitioner not of record who acts in a representative capacity under the provisions of § 1.34;
> (3) An assignee as provided for under § 3.71(b) of this chapter; or
> (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

The request was signed by Kathryn Danas, who was not a party pursuant 37 CFR 1.33.

Accordingly, the holding of abandonment will not be withdrawn

PETITION UNDER 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. In nonprovisional utility application abandoned for failure to respond to a non-final Office action, the required reply may be met by filing either (A) an argument or amendment under 37 CFR 1.111 or (B) a continuing application under 37 CFR 1.53(b).

(2) The petition fee as set forth in 37 CFR 1.17(m), **$1620.00**;

(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

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.

Pursuant to petitioner's request, deposit account no. 50-0786 will be charged the petition fee.

The petition is **GRANTED.**

The petition fee will not be waived, 35 U.S.C. 41(a) (7) provides that a petition for the revival of an unintentionally abandoned application or for the unintentionally delayed payment of the issue fee must be accompanied by the petition fee set forth in 37 CFR 1.17(m), unless the petition is filed under 35 U.S.C. 133 or 151 (on the basis of unavoidable delay), in which case the fee is set forth in 37 CFR 1.17(l). Thus, unless the circumstances warrant the withdrawal of the holding of abandonment (i.e., it is determined that the application is not properly held abandoned), the payment of a petition fee to obtain the revival of an abandoned application is a statutory prerequisite to revival of the abandoned application, and cannot be waived.

In addition, the phrase "[o]n filing" in 35 U.S.C. 41(a)(7) means that the petition fee is required for the filing (and not merely the grant) of a petition under 37 CFR 1.137. See H.R. Rep. No. 542, 97th Cong., 2d Sess. 6 (1982), reprinted in 1982 U.S.C.C.A.N. 770 ("[t]he fees set forth in this section are due on filing the petition"). Therefore, the Office: (A) will not refund the petition fee required by 37 CFR 1.17(l) or 1.17(m), regardless of whether the petition under 37 CFR 1.137 is dismissed or denied; and (B) will not reach the merits of any petition under 37 CFR 1.137 lacking the requisite petition fee.

This application is being referred to Technology Center AU 2616 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
Petitions Attorney
Office of Petitions

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
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THE WEBB LAW FIRM, P.C.
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH, PA 15219

Mail Date: 04/21/2010

Applicant	: Howard L. Snodgrass JR.	: DECISION ON REQUEST FOR
Patent Number	: 7594462	: RECALCULATION of PATENT
Issue Date	: 09/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/924,123	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/23/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **592** 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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(F/K/A WORKMAN NYDEGGER & SEELEY)
60 EAST SOUTH TEMPLE
1000 EAGLE GATE TOWER
SALT LAKE CITY UT 84111

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SEP 2 6 2005

OFFICE OF PETITIONS

In re Application of	:	
Rosenberg et al.	:	
Application No. 10/924,135	:	ON PETITION
Filed: August 23, 2004	:	
Attorney Docket No. 15436.191.1	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed September 7, 2005, to revive the above-identified application.

The petition is **GRANTED.**

This application became abandoned for failure to timely reply to the non-final Office action mailed January 7, 2005. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, this application became abandoned on April 8, 2005. A Notice of Abandonment was mailed July 28, 2005.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment and response to office action; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the response has been accepted as having been unintentionally delayed.

This matter is being referred to Technology Center 2800 for further examination on the merits.

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

Liana Chase
Petitions Examiner
Office of Petitions

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DIW Apr-10

MARTIN L. MCGREGOR
26415 OAK RIDGE DR.
SPRING TX 77380

MAILED

APR 20 2010

OFFICE OF PETITIONS

In re Application of
Henry Petithory
Application No.: 10/924,140
Filing Date: August 23, 2004
Attorney Docket No. 76-3

ON PETITION

This is a decision on the petition under 37 CFR 1.137(a), filed on December 28, 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(a)" or "Renewed Petition under 37 CFR 1.137(b)." This is not a final agency decision.

This application became abandoned for failure to timely file a proper reply to the nonfinal rejection mailed July 25, 2008. A Notice of non-compliant amendment (37 CFR 1.121) was mailed to applicant on February 3, 2009. Because applicant did not file a response within one month of the mail date, the application became abandoned. A Notice of Abandonment was mailed on November 25, 2009.

Petitioner asserts that the Notice mailed February 3, 2009, was never received

A grantable petition to revive an abandoned application under 37 CFR 1.137(a) must be accompanied by:

> (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be 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 § 1.17(l);

(3) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable; and

(4) any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (c) of this section.

This petition lacks item (3) above.

As to 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 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.[1]

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] 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."

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

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

3. 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, and

4. 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.

Petitioner has failed to meet (4). A copy of a master docket or a statement that a master docket does not exist has not been provided. 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. In this instance, applicant was given one month to reply to the Notice mailed February 3, 2009. Therefore, a copy of a master docket report showing all replies docketed for a date one month from the mail date of the nonreeived Notice must be submitted as documentary proof of nonreceipt of the Office Notice. If no such master docket exists, the practitioner should so state.

Additionally, petitioner states that "While the undersigned normal would periodically review PARI listings for pending cases, on or about April 25, 2009 the undersigned injured his lower back and has been on prescription paid medication since about May 25, 2009. The injury and treatment have disrupted normal practices and therefor the normal review of PAIR records was not carried out this year."

As to the above statement, the Notice was mailed on February 3, 2009, prior to the date of April 25, 2009.

Petitioner is encouraged to note that a showing of "unavoidable" delay based upon incapacitation must establish that petitioner's incapacitation was of such nature and degree as to render petitioner unable to conduct business (*e.g.*, correspond with the Office) during the period between February 3, 2009 and March 3, 2009. Such a showing must be supported by a statement from petitioner's treating physician, and such statement must provide the nature and degree of petitioner's incapacitation during this above-mentioned period.

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.

Petitioner may wish to consider filing a petition stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of the issue fee was "unavoidable." This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b). An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the petition fee set forth in 37 CFR 1.17(m).

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 delivered through one of the following mediums:

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

By hand:	Customer Service Window Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	(571) 273-8300 ATTN: Office of Petitions
By internet:	EFS-Web www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

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APR 20 2005

OFFICE OF PETITIONS

Mr. Peter Martinez
PULSE-LINK, INC.
1969 KELLOGG AVENUE
CARLSBAD, CA 92008

In re Application of
Aiello, Roberto, et al.
Application No. 10/924,143
Filed: August 23, 2004
For: Ultra Wide Band Communication Systems And Methods

: Decision
: On
: Access

This is in response to a petition filed February 10, 2005, under 37 CFR 1.182 by Peter Martinez, requesting identification of applications claiming benefit or priority of applications owned by Pulse-Link, Inc.

The petition is **DISMISSED**.

Mr. Martinez discussed the above referenced application and petition with Michael L. Lewis of this office on March 22, 2005. Mr. Martinez stated that a typographical error was present in the customer number used for the correspondence address in the transmittal letter of several applications on behalf of Pulse-Link, Inc. The above referenced application was one of the applications containing the typographical error. The typographical error made it appear that there were applications claiming benefit or priority of Pulse-Link, Inc. applications that were not filed by Pulse-Link, Inc.

Since the applications with a benefit or priority claim were filed on behalf of Pulse-Link, Inc., the petition can be dismissed as moot.

Telephone inquiries should be directed to Michael L. Lewis at (571) 272-7755.

Karin Ferriter
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/924,149	08/23/2004	Paul D. Schepers	200402907-1	4949

7590 04/22/2008
HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER
NGUYEN, KHAI N

ART UNIT	PAPER NUMBER
2614	

NOTIFICATION DATE	DELIVERY MODE
04/22/2008	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

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

Patent Publication Branch
Office of Data Management

Adjustment date: 04/21/2008 DTERRY
08/25/2004 HDEMESS1 00000069 082025 10924149
02 FC:1201 172.00 CR
03 FC:1202 180.00 CR

FORM PET651G (Rev. 08/07)

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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.
10/924,149	08/23/2004	Paul D. Schepers	200402907-1	4949

22879 7590 04/22/2008
HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
.FORT COLLINS, CO 80527-2400

EXAMINER
NGUYEN, KHAI N

ART UNIT	PAPER NUMBER
2614	

NOTIFICATION DATE	DELIVERY MODE
04/22/2008	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):

JERRY.SHORMA@HP.COM
mkraft@hp.com
ipa.mail@hp.com

Notice of Abandonment	Application No.	Applicant(s)	
	10/924,149	SCHEPERS ET AL.	
	Examiner	Art Unit	
	KIMBERLY A. TERRELL	3651	

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

This application is abandoned in view of:

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

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

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

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

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

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

7. ☐ The reason(s) below:

/Kimberly Terrell/
Office of Data Management
571-272-4200

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

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DEC 07 2004

Director's Office
Group 3700

Jeffery D. Moy
Weiss, Moy & Harris, P.C.
4204 North Brown Avenue
Scottsdale, AZ 85251-3989

In re application of Richard J. Bigda	: : :	**DECISION ON PETITION TO MAKE SPECIAL UNDER 37 CFR. 1.102(c)**
Serial Number: 10/924153 Filed: August 23, 2004	: :	

For: **AFFORDABLE BATH LIFT AND METHOD THEREFOR**

This is a decision on the petition filed on August 23, 2004, under 37 CFR. 1.102(c) to make special the above identified application because of the age/health of the applicant. Since the requirements of the M.P.E.P Section 708.02 IV have been met, the petition will be GRANTED.

The examiner is directed (1) to make an interference search for possible interfering applications, (2) to promptly examine this application out of turn, and (3) if any interfering application is discovered, to examine such application simultaneously and state in the first official letter of such application that it is being taken out of turn because of a possible interference.

Petitioner is advised that this application will continue to be special, throughout its entire prosecution and pendency, including interference or appeal, if any, only is Petitioner makes a prompt bona-fide effort, in response to each Office action, to place the application in condition for allowance, even if it is necessary to conduct an interview with the Examiner to accomplish this purpose.

Summary: Decision on Petition **GRANTED**.

Richard A. Bertsch
Director
Technology Center 3700
(703) 308-0975

rt: 12/6/04

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DUANE MORRIS LLP – PHILADELPHIA
IP DEPARTMENT
30 SOUTH 17TH STREET
PHILADELPHIA PA 19103-4196

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JAN 30 2009

OFFICE OF PETITIONS

In re Application of	:	
Giraud et al.	:	
Application No. 10/924,168	:	DECISION ON PETITION
Filed: August 23, 2004	:	
Attorney Docket No. R0287-00002	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 12, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed June 25, 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 September 26, 2007. A Notice of Abandonment was mailed January 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 an Amendment, (2) the petition fee of $810.00, and (3) an adequate statement of unintentional delay.

It is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must notify the Office. It is not apparent whether the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute this patent. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts. While, a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed to the address currently of record until such time as appropriate instructions are received to the contrary.

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

This application is being referred to Technology Center AU 3622 for appropriate action by the Examiner in the normal course of business on the reply received.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

cc: Michael A. Glenn
3475 Edison Way, Ste L
Menlo Park, CA 94025

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SILICON VALLEY PATENT AGENCY
7394 WILDFLOWER WAY
CUPERTINO, CA 95014

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In re Application of	:
Kent Qing Pu, et. al.	:
Application No. 10/924,172	: DECISION ON PETITION
Filed: August 21, 2004	: UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. KENT-005	:

This is a decision on the petition under 37 CFR 1.78(a)(3), filed July 23, 2008, 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 currently filed amendment.

The petition is **GRANTED**.

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

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

It is noted that a claim for priority to Provisional Application No. 60/575,930 was not included in the first sentence of the specification, as required by 37 CFR § 1.78(a)(6). However, since the Office picked up the claim for priority to Provisional Application No. 60/575,930, which was listed in the Oath/Declaration filed on August 21, 2004, it will be included in the attached filing receipt.

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

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

This application is being forwarded to Technology Center Art Unit 2629, for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed application.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3226. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

Andrea Smith
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
10/924,172	08/21/2004	2629	511	KENT-005	34	3

CONFIRMATION NO. 3984

CORRECTED FILING RECEIPT

26797
SILICON VALLEY PATENT AGENCY
7394 WILDFLOWER WAY
CUPERTINO, CA 95014

OC000000032856945

Date Mailed: 10/29/2008

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please 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)

Kent Qing Pu, San Diego, CA;
Pavel Stankoulov, San Diego, CA;
Ivan Angelov, San Diego, CA;

Assignment For Published Patent Application

InfoGation Corporation, San Diego, CA

Power of Attorney: The patent practitioners associated with Customer Number 26797

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/575,930 06/01/2004
and is a CIP of 09/971,905 10/04/2001 PAT 7,152,213

Foreign Applications

If Required, Foreign Filing License Granted: 10/20/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 10/924,172**

Projected Publication Date: Not Applicable

Non-Publication Request: No

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

Title

Information entry mechanism

Preliminary Class

345

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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MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO, IL 60661

Mail Date: 04/22/2010

Applicant	: Ruei-Shiang Suen	: DECISION ON REQUEST FOR
Patent Number	: 7627115	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/924,177	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/23/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1469** 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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UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
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WWW.USPTO.GOV

JONES DAY
222 East 41st Street
New York, NY 10017

Date: June 14, 2007
Application No. 10/924,180
Filed: May 21, 2003
Subject: **Phenylenediamine Urotensin-II Receptor Antagonists and CCR-9 Antagonists**

ON PETITION
37 CFR 1.48(a)

Receipt is acknowledged of the petition filed April 30, 2007 under 37 CFR 1.48(a) for correction of inventorship. The petition has been **GRANTED**.

In view of the papers filed, it has been found that during the prosecution of the instant application a name of an inventor was omitted through error without any deceptive intention on the part of this inventor. Accordingly, this application has been changed by the **deletion of C. Eric Anderson, Huong Bui, Jamal Kassir, Wen Li, and Junmei Wang.** The application will be forwarded to the Office of Initial Patent Examination (OIPE) for issuance of a corrected filing receipt, and correction of the file jacket and PTO PALM data to reflect the inventorship as corrected.

Joseph K. McKane

JOSEPH K. MCKANE
United States Patent and Trademark Office
Technology Center 1600
SPE, ART UNIT 1626
Remsen 5A05
571-272-0699

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MAR 16 2007

JONES DAY
222 EAST 41ST STREET
NEW YORK, NY 10017

In re Application of	:
Chende Wu et al	:
Serial No.: 10/924,181	: PETITION DECISION
Filed: Augusts 21, 2004	:
Attorney Docket No.: 017092-0045-999	:

This is in response to the petition under 37 CFR 1.181, filed January 19, 2007, requesting withdrawal of the Finality of the Office action mailed November 22, 2006.

BACKGROUND

A review of the file history shows that the examiner mailed a first Office action to applicants on March 2, 2006, setting a four way restriction requirement and an election of species requirement.

Applicants replied on March 31, 2006, by electing Group I and a species and amending claims 3, 4 and 6. Applicants traversed the requirement, and gave reasons for traversal.

The examiner mailed a new Office action to applicants on June 13, 2006, maintaining the requirement, but making some modifications to it in response to the traverse. The examiner objected to the Markush group of claim 1 as being an improper Markush grouping since the alternatives did not all share a substantial structural feature associated with a specific utility. The examiner determined the elected species to be patentable and expanded the search and considerations to other species. The examiner rejected claims 1-4 and 6 for obvious type double patenting over 10/783,916. Claims 1-3 were rejected under 35 U.S.C. 112, second paragraph, as indefinite and also under 35 U.S.C. 102(b) as anticipated by Sandoz LTD

Applicants replied on September 14, 2006, amending claims 1-4 and canceling claims 5, 7-8, 10 and 12. Applicants replied to all of the grounds of rejection asserted, but did not file a terminal disclaimer to overcome the obvious type double patenting rejection.

The examiner mailed a Final Office action to applicants on November 22, 2006. The examiner rejected claim 2 under 35 U.S.C. 112, second paragraph, as indefinite and rejected claims 1, 3 and 6 under 35 U.S.C. 102(b) as anticipated by Spencer et al. Claims 1 and 3 were rejected as anticipated by Ciba Limited. Claims 1-4 and 6 were again rejected for obvious type double patenting over 10/783,916.

Applicants filed this petition on January 19, 2007, objecting to the finality of the Office action as premature.

DISCUSSION

Applicants request withdrawal of the finality of the Office action of November 22, 2006, on the basis that the examiner introduced a new ground of rejection which was not necessitated by applicants' actions or amendments.

It is clear that the Office action mailed November 22, 2006, does set forth a new rejection over prior art not previously applied. A review of the original claims shows that claim 1, the independent claim, contains ring variables X and Y and variables $R^4$and R^5 which can form a fused ring with the only aromatic ring shown, and variables L_1 to L_4 and Ar forming a long chain attached to the aromatic ring and having a terminal amine group. As stated in the first Office action, the elected species, identified as compound 399, was found allowable over the prior art, but that other art found, or of record, showed other species within the scope of the claim to be anticipated. In consequence the examiner made a proper rejection of the claims over those references. The examiner was not required to determine if every species was taught by a reference, only that one or a representative number were taught by at least one reference. Nor could the examiner predict how applicants would amend their claims, considering the number of variables and their values, so as to apply the art now applied.

Applicants' amendment canceled a significant number of species from the claims by limiting the definitions of almost all variables (in some instances to a single value – e.g. R^4 and R^5 form a fused ring with the base ring) thereby significantly narrowing the scope of the claims. It is noted that in claim 4, 80% of the named compounds were canceled, presumably because they were not within the scope of amended claim 1. It is unreasonable to have expected the examiner to anticipate how applicants would respond to the art rejection or which compounds would be excluded by an amendment. In all likelihood if the examiner had found the art now applied before first action and applied it rather than the art applied in the first action, applicants would have amended their claims to exclude the now claimed compounds in favor of those previously rejected.

As a consequence of applicants' amendments to the claims the examiner was required to extend the initial search to determine if other species still within the scope of the claims were known or obvious. As a result, the examiner rejected the claims over new references in accordance with the guidelines set forth in M.P.E.P. 803.02 and made the action Final. As the examiner's actions comport with established Office guidelines and practice, no error is found on the examiner's part.

DECISION

The petition is **DENIED.**

Applicants remain under obligation to reply to the Final Office action in an appropriate manner within the time period set therein, or as extended under 37 CFR 1.136(a).

Should there be any questions about this decision please contact William R. Dixon, Jr., by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0519 or by facsimile sent to the general Office facsimile number 571-273-8300.

George C. Elliott
Director, Technology Center 1600

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OFFICE OF PETITIONS

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

In re Application of
Jens EGERER, et al
Application No. 10/924,207
Filed: August 24, 2004
Attorney Docket No. 543822008700

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 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 Deborah S. Gladstein on behalf of all attorneys of record who are associated with customer No. 25227.

All attorneys/agents associated with Customer Number 25227 have been withdrawn.

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

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

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

There are no pending Office actions at the present time.

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

April Wise
Petitions Examiner
Office of Petitions

cc: JENS EGERER
SULZWEG 9
MUNCHEN, 81827
GERMANY

cc: SLATER & MATSIL L.L.P.
17950 PRESTON ROAD,
SUITE 1000
DALLAS, TX 75252

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/924,207	08/24/2004	Jens Egerer	543822008700

CONFIRMATION NO. 4753

OC000000024351502

25227
MORRISON & FOERSTER LLP
1650 TYSONS BOULEVARD
SUITE 400
MCLEAN, VA 22102

Date Mailed: 06/14/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/02/2007.

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

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

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MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO, IL 60661

Mail Date: 04/22/2010

Applicant	: Ruei-Shiang Suen	: DECISION ON REQUEST FOR
Patent Number	: 7623658	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/924,214	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/23/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1462** 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	:	
Hung, et al.	:	DECISION ON PETITION
Application No. 10/924,220	:	
Filed: August 23, 2004	:	
Attorney Docket No. TI-37493	:	

This is a decision on the petition filed August 20, 2007, pursuant to 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 file an Appeal Brief. Applicants filed a Notice of Appeal on December 15, 2006. No Appeal Brief having been filed, the application became abandoned on February 16, 2007. A Notice of Abandonment was mailed on August 13, 2007.

With the instant petition, petitioner paid the petition fee, made the proper statement of unintentional delay, and filed the required reply in the form of an Appeal Brief.

The matter is being forwarded to Group Art Unit 2817 for consideration of the Appeal Brief filed August 20, 2007.

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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United States Patent and Trademark Office
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2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

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DEC 0 7 2007

OFFICE OF PETITIONS

In re Application of	:	
Richard B. Muir et al	:	
Application No. 10/924,233	:	DECISION GRANTING PETITION
Filed: August 23, 2004	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. SEPHRA.003CP1	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed December 7, 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 October 19, 2007 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 3752 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

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.*

DATE 12-7-07

APPLICATION NUMBER 10/924233

DOC CODE IMTV

DOC DATE 12-7-07

DELIVER THE ATTACHED FIFLE/DOCUMENT TO THE TC SCANNING CENTER

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

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

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Date : December 7, 2007

TO : Director, Office of Patent Publication

FROM : Office of Petitions

SUBJECT : Withdrawal from Issue of **Application No. 10/924,233**

Applicant(s) : Richard B. Muir et al
Application No. : 10/924,233
Filed : August 23, 2004

The above-identified application has been assigned Patent No. 7,306,166 and an issue date of December 11, 2007.

It is hereby directed that this application be withdrawn from issue at the request of the applicant. Do not refund the issue fee.

The following erratum should be published in the Official Gazette if the above-identified application is published in the OG of December 11, 2007:

"All reference to Patent No. 7,306,166 to Richard B. Muir et al of California for FOUNTAIN THAT FLOWS WITH FLUIDIC MATERIAL appearing in the Official Gazette of December 11, 2007 should be deleted since no patent was granted."

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

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

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JOHN L. DOUGHTY
ARRIS INTERNATIONAL, INC.
3871 LAKEFIELD DRIVE
SUWANEE, GA 30024

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OFFICE OF PETITIONS

In re Application of	:	
Basil et al.	:	
Application No. 10/924,234	:	ON PETITION
Filed: August 23, 2004	:	
Attorney Docket No. 0960-30	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed May 23, 2005, to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Application (Notice) mailed October 19, 2004. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on December 20, 2004.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b).

This matter is being referred to the Office of Initial Patent Examination for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3282.

Liana Chase
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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Schwegman, Lundberg & Woessner, P.A.
P.O. Box 2938
Minneapolis, MN 55402

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MAY 15 2009

OFFICE OF PETITIONS

In re Application of	:	
Kathryn E. Uhrich	:	
Application No. 10/924,238	:	DECISION ON PETITION
Filed: August 23, 2004	:	TO WITHDRAW
Attorney Docket No. 1435.012US3	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 24, 2006.

The request is **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 Monique Shonka and all attorneys/agents of record has been revoked by the assignee of the patent application on April 7, 2006. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Viksnins, Harris & Padys, PLLP
P.O. Box 111098
St. Paul, MN 55111-1098

UNITED STATES PATENT AND TRADEMARK OFFICE

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DICKSTEIN SHAPIRO LLP
1825 EYE STREET NW
WASHINGTON DC 20006-5403

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OFFICE OF PETITIONS

In re Application of Larry D. Frederick et al Application No. 10/924,247 Filed: August 24, 2004 Attorney Docket No. G3365.0000/P023-A	DECISION GRANTING PETITION UNDER 37 CFR 1.137(b)

This is a decision on the petition under 37 CFR 1.137(b), filed August 16, 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 RCE and an amendment; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Final Rejection of January 6, 2006, is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This matter is being referred to Technology Center AU 2884.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

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MAR 16 2006

OFFICE OF PETITIONS

In re Application of
Gregory C. Brown
Application No. 10/924,277
Filed: August 23, 2004
Attorney Docket No. R11.12-0827

: 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 25, 2006, to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of prior-filed non-provisional application 10/893,144.

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.

In response to the non-Final Office Action mailed September 30, 2005, petitioner submits a priority claim to claim priority to application no. 10/893,144. The response submitted concurrently with the instant petition as drafted is unacceptable and, therefore, is not considered a proper reference under 37 CFR 1.78(a)(2)(i). In this regard, the priority claim is not in the proper form and must be in an amendment, not physically part of any other document as the response and, as such, does not comply with 37 CFR 1.121, 1.52, or 1.4(c). Note that 37 CFR 1.121 states that amendments are made by filing a paper, in compliance with § 1.52, directing that specified amendments be made.

Additionally, the benefit claim needs to be re-written to properly indicate the relationship of the applications. This application is claiming the benefit of a prior filed application and should indicate that this application is (state relationship) of Application No. 10/---, filed—.

In view of the above, the petition is **DISMISSED**.

Further correspondence with respect to this matter should be addressed as follows:

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220 20th Street S
Customer Window, Mail Stop Petitions
Crystal Plaza Two Lobby, Room 1B03
Arlington, VA 22202

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to Senior Petitions Attorney Patricia Faison-Ball at (571) 272-3212.

Frances Hicks
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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OFFICE OF PETITIONS

In re Application of
Gregory C. Brown
Application No. 10/924,277
Filed: August 23, 2004
Attorney Docket No. R11.12-0827

: DECISION ON PETITION
: UNDER 37 CFR 1.78(a)(3)

This is a decision on the renewed petition under 37 CFR 1.78(a)(3) filed April 7, 2006, 2006, to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of prior-filed non-provisional application 10/893,144.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

The petition does not satisfy item (1) above.[1]

The reference to add the prior-filed applications on page one following the first sentence of the specification is not acceptable as drafted since it improperly incorporates by reference the prior-filed applications. An incorporation by reference statement added after an application's filing date is not effective because no new

[1]Items (2) and (3) were satisfied with the petition filed January 25, 2006, which was dismissed in a decision mailed March 16, 2006.

matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 120 after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 120 is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. *See* Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note* MPEP §§ 201.06(c) and 608.04(b).

Before the petition under 37 CFR § 1.78(a)(3) can be granted, a renewed petition and either an Application Data Sheet (37 CFR 1.76(a)(5)) or a proper amendment (complying with the provisions of 37 CFR 1.121) to correct the above matters are required.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
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By hand: Customer Service Window
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Randolph Building
40I Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to Senior Petitions Attorney Patricia Faison-Ball at (571) 272-3212.

Frances Hicks

Frances Hicks
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

In re Application of	:
Gregory C. Brown	:
Application No. 10/924,277	: DECISION ON PETITION
Filed: August 23, 2004	: UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. R11.12-0827	:

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed May 22, 2006, to accept an unintentionally delayed claim under 35 U.S.C. 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the amendment filed May 22, 2006.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C.120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The 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 is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met.

Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to 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 Art Unit 2856 for appropriate action on the amendment filed May 22, 2006, including consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. 120 to the prior-filed application.

Frances Hicks
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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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
10/924,277	08/23/2004	2856	1570	R11.12-0827	6	33	3

CONFIRMATION NO. 4419
CORRECTED FILING RECEIPT
OC000000019081231
OC000000019081231

27367
WESTMAN CHAMPLIN & KELLY, P.A.
SUITE 1400
900 SECOND AVENUE SOUTH
MINNEAPOLIS, MN 55402-3319

Date Mailed: 06/02/2006

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)

Gregory C. Brown, Chanhassen, MN;

Assignment For Published Patent Application

Rosemount Inc., Eden Prairie, MN

Power of Attorney: The patent practitioners associated with Customer Number **27367**.

Domestic Priority data as claimed by applicant

This application is a CIP of 10/893,144 07/16/2004
which claims benefit of 60/488,613 07/18/2003

Foreign Applications

If Required, Foreign Filing License Granted: 10/23/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/924,277

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Fouling and corrosion detector for process control industries

Preliminary Class

073

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

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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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COOLEY GODWARD KRONISH LLP
777 6th STREET, NW, SUITE 1100
WASHINGTON, DC 20001

Mail Date: 04/21/2010

Applicant	: George Jackowski	: DECISION ON REQUEST FOR
Patent Number	: 7655424	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/924,283	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/23/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **768** 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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TEXAS INSTRUMENTS INCORPORATED
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DALLAS, TX 75265

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In re Application of	:	
Muhammad et al.	:	
Application No. 10/924,297	:	ON PETITION
Filed: August 23, 2004	:	
Attorney Docket No. TI-33976.1	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 14, 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, March 18, 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 June 19, 2008. A Notice of Abandonment was mailed October 1, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $1,620, and (3) an adequate statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Alicia Kelley at (571) 272-6059.

This application is being referred to Technology Center 2857 for further examination on the merits.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS, TX 75265

Mail Date: 07/23/2010

Applicant	: Khurram Muhammad	: DECISION ON REQUEST FOR
Patent Number	: 7647192	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 10/924,297	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/23/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1403** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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OFFICE OF PETITIONS

TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS TX 75265

In re Application of	:
Muhammad, et al.	: DECISION ON PETITION
Application No. 10/924,303	:
Filed: August 23, 2004	:
Docket No.: TI-33976.3	:

This is a decision on the petition renewed under 37 C.F.R. § 1.137(b), filed February 2, 2006, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned September 16, 2005 for failure to timely reply to the non-final Office action mailed June 15, 2005. The non-final Office action set a three 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. This decision precedes Notice of Abandonment.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by: (1) the required reply to the outstanding Office action or notice, unless previously filed; (2) the petition fee as set forth in 37 C.F.R. § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee set forth in 37 C.F.R. § 1.20(d)) required pursuant to 37 C.F.R. § 1.137(c).

The instant petition has been reviewed and found in compliance with the provisions of 37 C.F.R. § 1.137(b). Accordingly, the failure to timely submit a proper reply to the non-final Office action is accepted as having been unintentionally delayed.

This application 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

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TECHNOLOGY CENTER 3600

DONALD E. BURG
15840 SW 84 AVENUE
MIAMI, FL 33157

In re application of Donald E. Burg Application No. 10/924,312 Filed: August 23,2004 For: AMPHIBIOUS HIGH SPEED MARINE VEHICLE	: : : : :	**DECISION ON PETITION TO MAKE SPECIAL (APPLICANT'S AGE)**

This is a decision on the petition submitted on August 23, 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. Burg 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: 10/25/04

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BAKER BOTTS L.L.P.
2001 ROSS AVENUE
SUITE 600
DALLAS, TX 75201-2980

Mail Date: 05/06/2010

Applicant	: Stephen A. Schendel	: DECISION ON REQUEST FOR
Patent Number	: 7621922	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 10/924,315	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/23/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1324** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No.

Thomas J. Perkowski, Esq., P.C.
Soundview Plaza
1266 East Main Street
Stamford CT 06902

NOV 1 8 2005

In re Application of:
March Schmidt *et al.*
Serial No.: 10/924,342
Filed: August 23, 2004
Attorney Docket No.: **108-135USAND0**

DECISION ON REQUEST TO WITHDRAW FROM RECORD

This is a decision on the request to withdraw Jay Sbrollini, Esq. as attorney/agent of record under 37 C.F.R. § 1.36, filed May 02, 2005.

A grantable request to withdraw as attorney of record must be signed by every attorney seeking to withdraw or contain a clear indication that one attorney is signing on behalf of others. A request to withdraw will not be approved unless at least thirty (30) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period, which can be extended under 37 C.F.R. § 1.136(a).

The request meets all the above stated requirements. The request was signed by Thomas J. Perkowski, on behalf of Mr. Sbrollini. There is no outstanding Office action at this time.

The request is **APPROVED**.

All future communications from the Office will be directed to Thomas J. Perkowski, at the above address, until otherwise notified by applicant.

Inquiries related to this decision should be directed to Clayton E. LaBalle at (571) 272-1594.

Clayton E. LaBalle, Special Programs Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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EDWARDS & ANGELL, LLP
P.O. BOX 55874
BOSTON, MA 02205

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OFFICE OF PETITIONS

In re Application of :
Dana A. Gronbeck et al :
Application No. 10/924,350 : ON PETITION
Filed: August 23, 2004 :
Attorney Docket No. 50944-2C :

This is a decision on the petition under 37 CFR 1.137(b), filed October 23, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Office action mailed February 5, 2007, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). Accordingly, the above-identified application became abandoned on March 6, 2007.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 1752 for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

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CST

10/24/06

In re application of
Sean Patrick Denny
Serial No. 10/924,358
Filed: August 23, 2004
For: MULTIPLE BOTTOM OUTDOOR GRILL ACCESSORY

DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the petition filed on September 11, 2006 to make the above-identified application special on the basis of infringement.

The petition to make the application special is **DENIED.**

REGULATION AND PRACTICE

Pursuant to the "Changes 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), all petitions to make special, except those based on applicant's health or age or the PPH pilot, filed on or after August 25, 2006 are required to comply with the requirements of petitions to make special under the accelerated examination program. Note that any petition to make special under MPEP § 708.02, subsection II (infringement) was required to be filed prior to August 25, 2006.

To be eligible for accelerated examination under 37 C.F.R. § 1.102(d) and pursuant to the "Changes 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) on or after August 25, 2006;
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.

The application as filed is not eligible for accelerated examination under 37 C.F.R. § 1.102(d) because it was not filed on or after August 25, 2006; it was not filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; and the application contains more than twenty total claims (including more than three independent claims).

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 Christine Tierney, Special Programs Examiner, at (571) 272-1055.

Christine Tierney
Special Programs Examiner
Technology Center 1700

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BROOKS KUSHMAN P.C. /Oracle America/ SUN / STK
1000 TOWN CENTER, TWENTY-SECOND FLOOR
SOUTHFIELD, MI 48075-1238

Mail Date: 06/18/2010

Applicant	: Dan A. Labrecque	: DECISION ON REQUEST FOR
Patent Number	: 7634721	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 10/924,371	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/23/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **299** 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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Sanchelima and Associates, P.A.
Jesus Sanchelima, Esq.
235 S.W. Le Jeune Rd.
Miami FL 33134

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OFFICE OF PETITIONS

In re Application of :
Pedro PELAEZ, Jr et al :
Application No. 10/924,413 :
Filed: 8/24/2004 :
Attorney Docket No. 240144 :

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed 4/10/2008, 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 4/2/2007. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). A two-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 9/3/2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of 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) 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 $300 extension of time fee submitted with the petition on 4/10/2008 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account 19-0129.

Telephone inquiries concerning this decision should be directed to Quyen Leung at (571) 272-6051, or in her absence, the undersigned at (571) 272-7099.

This application is being referred to Technology Center AU 2121 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.

David A. Bucci
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 7/23/07

TO SPE OF : ART UNIT 2818

SUBJECT : Request for Certificate of Correction on Patent No.: 7232761

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Palm location **7580, Certificates of Correction Branch – South Tower – 9A22**
If response is for an IFW, **return to employee (named below) via PUBSCofC Team in MADRAS.**
With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction (COCIN)? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Valerie Jackson

Thank You For Your Assistance

Certificates of Correction Branch
Tel. No. 703-308-9390 ext. 114

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☐ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments:

_____

_____

_____

_____

_____

SPE _____ Art Unit _____

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 7/23/07

TO SPE OF : ART UNIT 2818

SUBJECT : Request for Certificate of Correction on Patent No.: 7232761

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within 7 days to:
Palm location **7580, Certificates of Correction Branch – South Tower – 9A22**
If response is for an IFW, **return to employee (named below) via PUBSCofC Team in MADRAS.**
With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction (COCIN)? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Valerie Jackson

Thank You For Your Assistance

Certificates of Correction Branch
Tel. No. 703-308-9390 ext. 114

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

APPROVED: /Dle/ (09/10/2008)

- ☒ **Approved** — All changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments:

Steven Loke — SPE

9/10/08 — Art Unit

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Haynes and Boone, LLP
IP Section
2323 Victory Avenue
SUITE 700
Dallas, TX 75219

Mail Date: 04/21/2010

Applicant	: Dmitry Bodrov	: DECISION ON REQUEST FOR
Patent Number	: 7650504	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/924,420	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/23/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1074** 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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WASHINGTON, DC 20231
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Technology Center 2100

McAndrews Held & Malloy, LTD
500 West Madison Street
Suite 3400
Chicago, IL 60661

In re Application of:
Donovan
Application No. 10/924,427
Filed: August 24, 2004
For: UNIVERSAL ENCRYPTED INTERNET MESSAGING

DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the petition, filed August 24, 2006 under M.P.E.P. § 708.02(VIII): Accelerated Examination, to make the above-identified application special.

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(i);

(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 is deficient in that it does not comply with (C) and (E) above. That is, it does not list the field of search by class and subclass. Further, Applicant's submission is deficient in that it does not comply with (E) above. That is, no clear indication is given specifically pointing out how the language of claims 1-16, 19-89 and 109-118 patentably distinguishes from the references. The language Applicant refers to "a cominbation of a list of friends, windowing, and Internet telephone capability" is not in claims 1-16, 19-89 and 109-118.

Accordingly, the Petition is **DENIED**. The application file is being forwarded to Central Files to await examination in its proper turn based on its effective filing date.

Any request for reconsideration must be filed within two months of the mailing date of this decision.

John Follansbee
WGQAS
Technology Center 2100
571-272-3964

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/924,427	08/24/2004	Kevin Remington Joseph Bartholomew Donovan	15719US05	6304

28710 7590 11/20/2007
PETER K. TRZYNA, ESQ.
P O BOX 7131
CHICAGO, IL 60680

EXAMINER
CHANKONG, DOHM

ART UNIT	PAPER NUMBER
2152	

MAIL DATE	DELIVERY MODE
11/20/2007	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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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.uspto.gov

Peter K. Trzyna, Esq.
P.O. BOX 7131
Chicago, IL 60680

In re Application of:
Donovan
Application No. 10/924,427
Filed: August 24, 2004
For: UNIVERSAL ENCRYPTED INTERNET MESSAGING

DECISION ON PETITION
TO MAKE SPECIAL
(ACCELERATED EXAMINATION)
UNDER M.P.E.P. §708.02 (VIII)

This is a decision on the Request for Reconsideration filed March 7, 2007 on the petition to make special under 37 C.F.R. §102(d) and M.P.E.P. §708.02(VIII): Accelerated Examination, originally filed on November 7, 2005.

The Petition is **GRANTED**.

M.P.E.P. §708.02, Section VIII which sets out the prerequisites for a grantable petition for Accelerated Examination under 37 C.F.R. §1.102(d) states in relevant part:

A new application (one which has not received any examination by the examiner) may be granted special status provided that applicant (and this term includes applicant's attorney or agent) complies with each of the following items:

(a) Submits a petition to make special accompanied by the fee set forth in 37 CFR 1.17(h);

(b) Presents all claims directed to a single invention, or if the Office determines that all the claims presented are not obviously directed to a single invention, will make an election without traverse as a prerequisite to the grant of special status;

(c) Submits a statement(s) that a pre-examination search was made, listing the field of search by class and subclass, publication, Chemical Abstracts, foreign patents, etc. The pre-examination search must be directed to the invention as claimed in the application for which special status is requested. A search made by a foreign patent office satisfies this requirement;

(d) Submits one copy each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and

(e) Submits a detailed discussion of the references, which discussion points out, with the particularity required by 37 CFR 1.111 (b) and (c), how the claimed subject matter is patentable over the references.

Petition to Make Special **GRANTED** since all of the requirements for special status under MPEP § 708.02(VIII) have been met.

The application file is being forwarded to the Examiner for accelerated examination in accordance with M.P.E.P. §708.02, Section VIII. If the application is subsequently allowed, it will be given priority for printing. See M.P.E.P. §1309.

John Follansbee
WQAS
Technology Center 2100
571-272-3964

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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DAVID M. MELLO
MCDERMOTT, WILL & EMERY
28 STATE STREET
BOSTON, MA 02109

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MAR 0 8 2006

OFFICE OF PETITIONS

ON PETITION

In re Application of	:	
Wiley et al.	:	
Application No. 10/924,434	:	
Filed: August 23, 2004	:	
Attorney Docket No. 61966-047 (SAET-014)	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed February 2, 2006, to revive the above-identified application.

The petition is **GRANTED.**

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of a Response to Restriction Requirement and 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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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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HARRINGTON & SMITH, LLP
4 RESEARCH DRIVE
SHELTON CT 06484-6212

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JAN 25 2005

OFFICE OF PETITIONS

In re Application of Yomazzo and Esposito Application No. 10/924,435 Filed: August 23, 2004 Attorney Docket No. 047A.0004.U1(US) For: Surfboard	DECISION ACCORDING STATUS UNDER 37 CFR 1.47(a)

This is in response to the petition under 37 CFR 1.47(b), filed December 17, 2004 (certificate of mailing dated December 15, 2004), which has been treated as a petition under 37 CFR 1.47(a).[1]

The petition is granted.

Petitioner has shown that Jeffrey R. Esposito, the non-signing inventor, has refused to join in the filing of the above-identified application after having been presented with the application papers. Specifically, the statement of facts of Mark F. Harrington establishes that the inventor was mailed the application papers, including the specification, claims and drawings, but failed to respond to the request that he sign the declaration.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

---

[1] A petition under 37 CFR 1.47(b) is inappropriate in this instance because all but one of the inventors has signed the declaration. A petition under 37 CFR 1.47(b) is only appropriate where none of the inventors will sign. Accordingly the petition will be treated as a petition under 37 CFR 1.47(a).

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the present petition. Notice of the filing of this application will also be published in the Official Gazette.

This matter is being referred to Technology Center Art Unit 3617 for examination in due course.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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KING PHARMACEUTICALS, INC.
400 CROSSING BOULEVARD
BRIDGEWATER NJ 08807

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JUN 08 2007

OFFICE OF PETITIONS

In re Application of

ASLAM, Farhan et al.
Application No. 10/924,436
Filed: August 23, 2004
Attorney Docket No. **60484-CON2(46453)**

DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 29, 2007 and re-submitted April 02, 2007.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to KING PHARMACEUTICALS, INC. has been revoked by the assignee of the patent application on March 29, 2007 and re-submitted April 02, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Tredelle Jackson at 571-272- 2783.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **WYETH C/O DARBY & DARBY, P.C.**
P.O. BOX 770
CHURCH STREET STATION
NEW YORK, NY 10008-0770

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MINNEAPOLIS MN 55402

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JAN 25 2008

OFFICE OF PETITIONS

In re Application of :
Christopher D. Drobnik et al :
Application No. 10/924,441 :
Filed: August 24, 2004 :
Attorney Docket No. 150-PC-04-12 :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed March 5, 2007, to revive the above-identified application.

The petition is **DISMISSED.**

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "**Renewed Petition under 37 CFR 1.137(b)**." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lack(s) item(s) (1).

The above-identified application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner to the final Office action mailed June 15, 2006, which set a shortened statutory period for reply of three (3) months. A reply under 37 CFR 1.113 is limited to an amendment that *prima facie* places the application in condition for allowance or a Notice of Appeal (and appeal fee required by 37 CFR 1.17(b)). No amendment *prima facie* placing the application in condition for allowance or Notice of Appeal (and appeal fee) was timely filed. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on September 16, 2006.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. If the person signing the instant petition desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. While a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed to the address currently of record until such time as appropriate instructions are received to the contrary.

Additionally, the Terminal Disclaimer submitted with the petition on March 5, 2007 is not signed by an attorney of record.

Further correspondence with respect to this matter should be addressed as follows:

By mail:	Mail Stop PETITION Commissioner for Patents Post Office Box 1450 Alexandria, VA 22313-1450
By hand:	Customer Service Window Randolph Building 401 Dulany Street Alexandria, VA 22314
By facsimile:	(571) 273-8300 ATTN: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

Karen Creasy
Petitions Examiner
Office of Petitions

Attachment: Advisory Action

cc:

PATTI, HEWITT & AREZINA LLC
ONE NORTH LASALLE STREET
44TH FLOOR
CHICAGO, IL 60602

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/924,441	Applicant(s) DROBNIK ET AL.	
	Examiner John P. Lacyk	Art Unit 3735	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 05 March 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: *1-7,9-11 and 14-22*.
   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: _____.

/John P Lacyk/
Primary Examiner, Art Unit 3735

Continuation of 3. NOTE: For one example only, claim 1 adds a new limitation that would require further search and/or consideration.

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MINNEAPOLIS MN 55402

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OFFICE OF PETITIONS

In re Application of
Christopher D. Drobnik et al
Application No. 10/924,441
Filed: August 24, 2004
Attorney Docket No. 150-PC-04-12

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b), filed March 25, 2008, to revive the above-identified application.

The petition is **DISMISSED.**

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "**Renewed Petition under 37 CFR 1.137(b)**." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lack(s) item(s) (1).

The above-identified application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner to the final Office action mailed June 15, 2006, which set a shortened statutory period for reply of three (3) months. A reply under 37 CFR 1.113 is limited to an amendment that *prima facie* places the application in condition for allowance or a Notice of Appeal (and appeal fee required by 37 CFR 1.17(b)). No amendment *prima facie* placing the application in condition for allowance or Notice of Appeal (and appeal fee) was timely filed. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on September 16, 2006.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By facsimile: (571) 272-8300
ATTN: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

Attachment: Advisory Action

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/924,441	Applicant(s) DROBNIK ET AL.	
	Examiner John P. Lacyk	Art Unit 3735	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 25 March 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.
   NOTE: *See Continuation Sheet*. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: *1-7,9-11 and 14-22*.
   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: _____.

/John P Lacyk/
Primary Examiner, Art Unit 3735

Continuation of 3. NOTE: For on example only, claim 1 adds a new limitation that would require further search and/or consideration..

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/924,441	Applicant(s) DROBNIK ET AL.	
	Examiner John P. Lacyk	Art Unit 3735	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 25 March 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.
   NOTE: *See Continuation Sheet*. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: *1-7,9-11 and 14-22*.
   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: _____.

/John P Lacyk/
Primary Examiner, Art Unit 3735

Continuation of 3. NOTE: For on example only, claim 1 adds a new limitation that would require further search and/or consideration..

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OFFICE OF PETITIONS

In re Application of
Christopher D. Drobnik et al
Application No. 10/924,441
Filed: August 24, 2004
Attorney Docket No. 150-PC-04-12

DECISION ON PETITION

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed November 18, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an RCE and an amendment; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the final rejection mailed June 15, 2006, is accepted as having been unintentionally delayed.

The petition and terminal disclaimer fees submitted on March 25, 2008 are being credited to petitioner credit card account since the fees were previously paid on March 5, 2007.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 3735 for appropriate action by the Examiner in the normal course of business on the reply received November 18, 2008.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20090422

DATE : April 22, 2009

TO SPE OF : ART UNIT 3735

SUBJECT : Request for Certificate of Correction on Patent No.: 7,361,135 B2

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - PK 3-910
Palm location **7590** - Tel. No. 305-8201

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance **Certificates of Correction Branch**

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

☒ **Approved** **All** changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

Comments:

SPE: /Charles A. Marmor, II/ **Art Unit** 3735

APPROVED: /C.M./

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. : 7,361,135

APPLICATION NO.: 10/924,444

ISSUE DATE : April 22, 2008

INVENTOR(S) : Drobnik, 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:

Column 6, line 60, "FIG." should be changed to -- FIGS. --.

Claim 13, line 5, "sources" should be changed to --at least one source--.

MAILING ADDRESS OF SENDER (Please do not use customer number below):

Patti, Hewitt & Arezina LLC
One N. LaSalle Street, 44th Floor, Chicago, Illinois 60602

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.**

JAN 14 2009

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DUNLAP, CODDING & ROGERS P.C.
PO BOX 16370
OKLAHOMA CITY OK 73113

COPY MAILED

NOV 0 2 2004

OFFICE OF PETITIONS

In re Application of	:	
Tourne	:	
Application No. 10/924,460	:	NOTICE
Filed: August 23, 2004	:	
Attorney Docket No. 8245.075	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28, filed September 17, 2004. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**. Office records have been changed to show this application has large entity status.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

This file is being returned to Technology Center GAU 2874.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3230.

E. Shirene Willis
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc: DUNLAP, CODDING & ROGERS, P.C.
1601 NW EXPRESSWAY, SUITE 1000
OKLAHOMA CITY, OK 73118

9

SCANI **Please forward case and paper to address shown below.**

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 8/22/07

TO SPE OF : ART UNIT 2115 Lee Thomas

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/924488 Patent No.: 7231533

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: _____

SPE

2115
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

HOWARD J. GREENWALD P.C.
70 LINDEN OAKS, THIRD FLOOR
ROCHESTER, NY 14625

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SEP 2 5 2008

OFFICE OF PETITIONS

In re Application of Farhan Taghizadeh Application No. 10/924,489 Filed: August 24, 2004 Attorney Docket No. FT - 721	DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 30, 2005.

The request is **MOOT**.

A review of the file record indicates that the power of attorney to HOWARD J. GREENWALD P.C. has been revoked by the assignee of the patent application on November 25, 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

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov
DRW 04-01

Paper No. 16

DAVID L. MCCOMBS
HAYNES AND BOONE
3100 NATIONSBANK PLAZA
901 MAIN STREET
DALLAS, TX 75202-3789

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MAY 0 7 2001

OFFICE OF PETITIONS
A/C PATENTS

In re Application of	:
Zucker, Peckover, and Poore	: DECISION ACCORDING STATUS
Application No. 09/100,671	: UNDER 37 CFR 1.47(a)
Filed: 19 June, 1998	:
Attorney Docket No. 19010.715	:

This is in response to the twice renewed petition under 37 CFR 1.47(a)[1] filed on 16 April, 2001 (certificate of mailing date 10 April, 2001).

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 affidavit of Ruben C. DeLeon establishes that a copy of the application was sent to the non-signing inventor, Jeffrey Zucker, via his attorney, but that Zucker failed to execute and return the declaration. Additionally, a copy of the application was sent by courier to Zucker's home, but Zucker refused, via his wife, to accept delivery of the application.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

COPY

[1]A grantable petition under 37 CFR 1.47(a) requires:

(1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);

(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;

(3) the petition fee; and

(4) a statement of the last known address of the non-signing inventor.

As provided in Rule 1.47(a), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the Declaration. Notice of the filing of this application will also be published in the Official Gazette.

After this decision is mailed, the application will be forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries related to this decision should be directed to Petitions Attorney Douglas I. Wood at (703)308-6918.

Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov
DIW 04-01

Paper No. 17

Jeffrey Zucker
6036 Thursby
Dallas, TX 75248

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MAY 0 7 2001

OFFICE OF PETITIONS
A/C PATENTS

In re Application of
Zucker et al.
Application No. 09/100,671
Filed: 19 June, 1998
For: Third Party Privacy System

Dear Mr. Zucker:

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 Petitions Attorney Douglas I. Wood at 703/308-6918. Requests for information regarding your application should be directed to the File Information Unit at 703/308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at 703/308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

COPY

DAVID L. MCCOMBS
HAYNES AND BOONE
3100 NATIONSBANK PLAZA
901 MAIN STREET
DALLAS, TX 75202-3789

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Clifford A. Poff
9800B McKnight Road
Suite 115
Pittsburgh, PA 15237

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AUG 18 2006

OFFICE OF PETITIONS

In re Application of	:	
Raymond C. Forbes	:	
Application No. 10/924,503	:	DECISION ON PETITION
Filed: August 3, 2004	:	TO WITHDRAW
Attorney Docket No. 20478-1	:	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 7, 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 Clifford A. Poff, the sole attorney of record.

Clifford A. Poff has been withdrawn as attorney or agent of record.

Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Raymond G. Forbes at the address indicated below.

There is no outstanding Office action at this time.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

David Bucci
Petitions Examiner
Office of Petitions

cc: Raymond C. Forbes
204 Glenbum Drive
Pittsburgh, PA 15236

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

K&L Gates LLP
P.O. Box 1135
CHICAGO, IL 60690

Mail Date: 04/20/2010

Applicant	: William S. Fuller	: DECISION ON REQUEST FOR
Patent Number	: 7611406	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/924,515	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/23/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **339** 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

MACCORD MASON PLLC
300 N. GRENE STREET, SUITE 1600
P.O. BOX 2974
GREENSBORO NC 27402

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APR 26 2007

OFFICE OF PETITIONS

In re Application of	:	
James L. Rapier III	:	
Application No. 10/924,540	:	DECISION GRANTING PETITION
Filed: August 24, 2004	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. 8878-003	:	

This is a decision on the petition under 37 CFR 1.137(b), filed January 12, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Nonfinal Rejection of April 19, 2006, is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This matter is being referred to Technology Center AU 3637.

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

FISH & RICHARDSON, PC
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

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APR 16 2008

OFFICE OF PETITIONS

In re Application of	:	
BOGOMOLSKY, et al.	:	
Application No. 10/924,545	:	DECISION ON PETITION
Filed: August 23, 2004	:	TO WITHDRAW
Attorney Docket No. **18094-002001**	:	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 27, 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 John C. Phillips on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the second named inventor John M. Hoffe at the address indicated below.

There is an outstanding Office action mailed December 13, 2007 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **JOHN M. HOFFE**
1477 KINGSPORT WAY
SAN MARCOS, CA 92078

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.g

CARLSON, GASKEY & OLDS, P.C.
400 WEST MAPLE ROAD
SUITE 350
BIRMINGHAM, MI 48009

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DEC 22 2008

In re Application of	:	
Bruce D. Beneditz et al.	:	
Application No. 10/924,549	:	DECISION ON PETITION
Filed: August 24, 2004	:	
Attorney Docket No. 67036-059;B05805-AT1	:	

This is a decision on the petition filed December 3, 2008, 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 that has issued from the above-identified application.

The request is **GRANTED**.

Petitioner states that the correct assignee's name is Hamilton Sundstrand Corporation, Rockford, IL (US) and that the incorrect assignee's name was included on the Fee(s) Transmittal form PTOL-85(b) at the time of payment of the issue fee. Accordingly, petitioner requests that a certificate of correction be issued to reflect the correct assignee on the front page of the Letters Patent in the patent that has 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

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

> 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 fee) as required by 3.81(b). Further, Office assignment records reflect that Hamilton Sundstrand Corporation, Rockford, IL (US) 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.

Inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584. Any questions concerning the issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (571) 272-4200.

This matter is being referred to the Certificates of Correction Branch for processing of a certificate of correction in accordance with this decision.

Ramesh Krishnamurthy

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

PA03505805US;67036-059

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Bruce D. Beneditz

Patent No.: 7453678

Issued: November 18, 2008

Group Art Unit: 2836

Examiner: Scott Allen Bauer

For: POWER INTERRUPTION SYSTEM FOR ELECTRONIC CIRCUIT BREAKER

PETITION TO CORRECT THE ASSIGNEE UNDER 37 CFR 3.81(B)

Director for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The failure to include the correct assignee's name the PTOL-85B was inadvertent. The assignment was submitted for recordation as set forth in §3.11 before the issuance of the patent. Enclosed herewith is a copy of the Notice of Recordation and a copy of the Assignment that was sent to the U.S. patent and Trademark Office on August 24, 2004. It was recorded on August 24, 2004, reel 015730 and frame 0494. A Request for a certificate of corrections under §1.323 of this chapter and a Certificate of Corrections are enclosed.

Please forward this file to the Certificate of Corrections Branch, if the Request is granted. The Commissioner is authorized to charge $230.00 for the processing fee set forth in § 1.17(h) and the Certificate of Corrections Fee Under § 1.20(a), to Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds, P.C. If any fees or extensions of time are required, please charge to Deposit Account No. 50-1482.

Respectfully submitted,

Carlson, Gaskey & Olds, P.C.

/Theodore W. Olds/

Theodore W. Olds, Esq.
Registration No. 33,080
400 W. Maple Road, Suite 350
Birmingham, MI 48009
(248) 988-8360

Date: December 3, 2008

UNITED STATES PATENT AND TRADEMARK OFFICE 670360-059TWO

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

MARCH 04, 2005

CARLSON, GASKEY & OLDS PC
ANNA M. SHIH
400 WEST MAPLE ROAD
SUITE 350
BIRMINGHAM, MI 48009

CARLSON, GASKEY & OLDS
TAS
MAR 12 2005
RECEIVED

102825372A

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 08/24/2004 — REEL/FRAME: 015730/0494
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:
BENEDITZ, BRUCE D. — DOC DATE: 08/23/2004

ASSIGNOR:
KILROY, DONALD G. — DOC DATE: 08/23/2004

ASSIGNEE:
HAMILTON SUNDSTRAND CORPORATION
4747 HARRISON AVENUE
P.O. BOX 7002
ROCKFORD, ILLINOIS 61125-7002

SERIAL NUMBER: 10924549 — FILING DATE: 08/24/2004
PATENT NUMBER: — ISSUE DATE:
TITLE: POWER INTERRUPTION SYSTEM FOR ELECTRONIC CIRCUIT BREAKER

DIANE RUSSELE, PARALEGAL
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

08-31-2004

Form PTO-1595 (Rev. 06/04)
OMB No. 0651-0027 (exp. 6/30/2005)

U.S. DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

8/24/04 REC

102825372

PATENTS ONLY

To the Director of the U.S. Patent and Trademark Office: Please record the attached documents or the new address(es) below.

1. Name of conveying party(ies)/Execution Date(s):

Bruce D. Beneditz
Donald G. Kilroy

Execution Date(s) 8/23/2004; 8/23/2004

Additional name(s) of conveying party(ies) attached? ☐ Yes ☑ No

2. Name and address of receiving party(ies)

Name: Hamilton Sundstrand Corporation

Internal Address:

Street Address: 4747 Harrison Avenue

P.O. Box 7002

City: Rockford

State: Illinois

Country: USA Zip: 61125-7002

Additional name(s) & address(es) attached? ☐ Yes ☑ No

22386 U.S. PTO
10/924549
082404

3. Nature of conveyance:

☑ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☐ Government Interest Assignment
☐ Executive Order 9424, Confirmatory License
☐ Other

4. Application or patent number(s): ☑ This document is being filed together with a new application.

A. Patent Application No.(s)

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☐ No

5. Name and address to whom correspondence concerning document should be mailed:

Name: Anna M. Shih

Internal Address: Carlson, Gaskey & Olds PC

Street Address: 400 West Maple Road, Suite 350

08/30/2004 MGETACHE 00000029 10924549
01 FC:8021 40.00 OP

City: Birmingham

State: MI Zip: 48009

Phone Number: 248-988-8360

Fax Number: 248-988-8363

Email Address:

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 1.21(h) & 3.41) $ 40.00

☐ Authorized to be charged by credit card
☐ Authorized to be charged to deposit account
☑ Enclosed
☐ None required (government interest not affecting title)

8. Payment Information

a. Credit Card Last 4 Numbers
Expiration Date

b. Deposit Account Number

Authorized User Name

9. Signature: Signature August 24, 2004 Date

Anna M. Shih
Name of Person Signing

Total number of pages including cover sheet, attachments, and documents: 3

Documents to be recorded (including cover sheet) should be faxed to (703) 306-5995, or mailed to:
Mail Stop Assignment Recordation Services, Director of the USPTO, P.O.Box 1450, Alexandria, V.A. 22313-1450

67036-059
B05805-AT1

ASSIGNMENT
(Joint Inventors)

WHEREAS, We, **Bruce D. Beneditz**, residing at **5548 Rural Edge Drive, Roscoe, IL 61073** and **Donald G. Kilroy**, residing at **7303 Laurel Cherry Drive, Rockford, IL 61108** (hereinafter referred to as Assignors), have invented new and useful improvements in:

POWER INTERRUPTION SYSTEM FOR ELECTRONIC CIRCUIT BREAKER

which is set forth in an application in the United States executed on even date herewith:

AND WHEREAS, **Hamilton Sundstrand Corporation** (hereinafter referred to as Assignee), of **4747 Harrison Avenue, P.O. Box 7002, Rockford, Illinois 61125-7002**, is desirous of acquiring the entire right, title and interest in and to said invention and said Letters Patent of the United States, and in and to any Letters Patent or Patents, United States or foreign, to be obtained therefor and thereon:

NOW, THEREFORE, be it known by all whom it may concern, that for and in consideration of One Dollar ($1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the Assignors have assigned, sold and set over, and by these presents assign, sell and set over unto the Assignee, its successors, legal representatives and assigns, for the territory of the United States of America and all foreign countries, the entire right, title and interest in and to said invention, said application for Letters Patent, including the right to file foreign patent applications corresponding to said application, and the right to claim the priority date of said United States patent application and any legal equivalents thereof, and any and all Letters Patent or Patents in the United States of America and all foreign countries which may be granted therefor and thereon, and to any and all divisions, continuations, and continuations-in-part of said application, or re-issues or extensions of said Letters Patent or Patents prepared and executed by Assignors on even date herewith, the same to be held and enjoyed by the Assignee, as fully and entirely as the same would have been held by the Assignors had this Assignment and sale not been made.

AND the Assignors hereby covenant and agree that the Assignors will at any time upon the request and at the expense of the Assignee execute and deliver any and all papers and do all lawful acts that may be necessary or desirable to perfect the title to said invention and to obtain Letters Patent therefor, and the Assignors hereby authorize and request the Commissioner of Patents to issue said Letters Patent to the said Assignee in accordance with this Agreement.

Dated: 8/23/04

Bruce D. Beneditz
Bruce D. Beneditz, Inventor

JoAnne Watson
Witness

Wesley D. Ralph
Witness

67036-059
B05805-AT1

Dated: 8/23/04

Donald G. Kilroy, Inventor

Witness

Witness

Please address all correspondence and telephone calls and, upon recordation, please return this document to:

Anna M. Shih
CARLSON, GASKEY & OLDS
400 W. Maple Rd., Ste. 350
Birmingham, MI 48009
(248) 988-8360

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application No.:	10/924,549	Patent No.:	7453678
Filing Date:	August 24, 2004	Issue Date:	November 18, 2008
Applicant:	Beneditz et al.	Group Unit:	2836
Attorney Docket:	67036-059	Examiner:	Bauer, Scott Allen
For:	POWER INTERRUPTION SYSTEM FOR ELECTRONIC CIRCUIT BREAKER		

COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

REQUEST FOR CERTIFICATE OF CORRECTION

Dear Sir:

Enclosed is a Certificate of Correction for the above-identified US Patent.

The error is the Applicant's error and a fee of $100.00 should be charged to Deposit Account 50-1482 in the name of Carlson, Gaskey & Olds, PC. If any additional fees are due you are hereby authorized to charge Deposit Account No. 50-1482. Consideration is respectfully requested.

Respectfully submitted,

CARLSON, GASKEY & OLDS, P.C.

/Theodore W. Olds/

Theodore W. Olds, Reg. No. 33,080
400 West Maple Road, Suite 350
Birmingham, Michigan 48009
(248) 988-8360

Date: December 3, 2008

PTO/SB/44 (04-05)
Approved for use through 04/30/2007. OMB 0651-0033
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.
(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 7453678

APPLICATION NO.: 10/924549

ISSUE DATE : 11/18/2008

INVENTOR(S) : Bruce D. Beneditz et al.

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the Assignee Page:

The Assignee should read as follows:

(73) Assignee: Hamilton Sundstrand Corporation,
Rockford, IL (US)

MAILING ADDRESS OF SENDER (Please do not use customer number below):

Carlson, Gaskey & Olds PC
400 West Maple, Suite 350
Birmingham, MI 48009

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.

08-31-2004

Form PTO-1595 (Rev. 06/04)
OMB No. 0651-0027 (exp. 6/30/2005)

U.S. DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

8/24/04 REC

102825372

PATENTS ONLY

To the Director of the U.S. Patent and Trademark Office: Please record the attached documents or the new address(es) below.

1. Name of conveying party(ies)/Execution Date(s):

Bruce D. Beneditz
Donald G. Kilroy

Execution Date(s) 8/23/2004; 8/23/2004

Additional name(s) of conveying party(ies) attached? ☐ Yes ☑ No

2. Name and address of receiving party(ies)

Name: Hamilton Sundstrand Corporation

Internal Address:

Street Address: 4747 Harrison Avenue

P.O. Box 7002

City: Rockford

State: Illinois

Country: USA Zip: 61125-7002

Additional name(s) & address(es) attached? ☐ Yes ☑ No

22386 U.S. PTO 10/924549 082404

3. Nature of conveyance:

☑ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☐ Government Interest Assignment
☐ Executive Order 9424, Confirmatory License
☐ Other

4. Application or patent number(s): ☑ This document is being filed together with a new application.

A. Patent Application No.(s)

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☐ No

5. Name and address to whom correspondence concerning document should be mailed:

Name: Anna M. Shih

Internal Address: Carlson, Gaskey & Olds PC

Street Address: 400 West Maple Road, Suite 350

08/30/2004 MGETACHE 00000029 10924549
01 FC:8021 40.00 OP

City: Birmingham

State: MI Zip: 48009

Phone Number: 248-988-8360

Fax Number: 248-988-8363

Email Address:

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 1.21(h) & 3.41) $ 40.00

☐ Authorized to be charged by credit card
☐ Authorized to be charged to deposit account
☑ Enclosed
☐ None required (government interest not affecting title)

8. Payment Information

a. Credit Card Last 4 Numbers
Expiration Date

b. Deposit Account Number

Authorized User Name

9. Signature:

Signature

August 24, 2004
Date

Anna M. Shih
Name of Person Signing

Total number of pages including cover sheet, attachments, and documents: 3

Documents to be recorded (including cover sheet) should be faxed to (703) 306-5995, or mailed to:
Mail Stop Assignment Recordation Services, Director of the USPTO, P.O.Box 1450, Alexandria, V.A. 22313-1450

67036-059
B05805-AT1

ASSIGNMENT
(Joint Inventors)

WHEREAS, We, **Bruce D. Beneditz**, residing at **5548 Rural Edge Drive, Roscoe, IL 61073** and **Donald G. Kilroy**, residing at **7303 Laurel Cherry Drive, Rockford, IL 61108** (hereinafter referred to as Assignors), have invented new and useful improvements in:

POWER INTERRUPTION SYSTEM FOR ELECTRONIC CIRCUIT BREAKER

which is set forth in an application in the United States executed on even date herewith:

AND WHEREAS, **Hamilton Sundstrand Corporation** (hereinafter referred to as Assignee), of **4747 Harrison Avenue, P.O. Box 7002, Rockford, Illinois 61125-7002**, is desirous of acquiring the entire right, title and interest in and to said invention and said Letters Patent of the United States, and in and to any Letters Patent or Patents, United States or foreign, to be obtained therefor and thereon:

NOW, THEREFORE, be it known by all whom it may concern, that for and in consideration of One Dollar ($1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the Assignors have assigned, sold and set over, and by these presents assign, sell and set over unto the Assignee, its successors, legal representatives and assigns, for the territory of the United States of America and all foreign countries, the entire right, title and interest in and to said invention, said application for Letters Patent, including the right to file foreign patent applications corresponding to said application, and the right to claim the priority date of said United States patent application and any legal equivalents thereof, and any and all Letters Patent or Patents in the United States of America and all foreign countries which may be granted therefor and thereon, and to any and all divisions, continuations, and continuations-in-part of said application, or re-issues or extensions of said Letters Patent or Patents prepared and executed by Assignors on even date herewith, the same to be held and enjoyed by the Assignee, as fully and entirely as the same would have been held by the Assignors had this Assignment and sale not been made.

AND the Assignors hereby covenant and agree that the Assignors will at any time upon the request and at the expense of the Assignee execute and deliver any and all papers and do all lawful acts that may be necessary or desirable to perfect the title to said invention and to obtain Letters Patent therefor, and the Assignors hereby authorize and request the Commissioner of Patents to issue said Letters Patent to the said Assignee in accordance with this Agreement.

Dated: 8/23/04

JoAnne Watson
Witness

Wesley D. Ralph
Witness

Bruce D. Beneditz
Bruce D. Beneditz, Inventor

67036-059
B05805-ATI

Dated: 8/23/04

Donald G. Kilroy

Donald G. Kilroy, Inventor

JoAnne Watson
Witness

Wesley D. Ralph
Witness

Please address all correspondence and telephone calls and, upon recordation, please return this document to:

Anna M. Shih
CARLSON, GASKEY & OLDS
400 W. Maple Rd., Ste. 350
Birmingham, MI 48009
(248) 988-8360

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

HUNTON & WILLIAMS LLP
INTELLECTUAL PROPERTY DEPARTMENT
1900 K STREET, N.W.
SUITE 1200
WASHINGTON, DC 20006-1109

Mail Date: 04/21/2010

Applicant	: Jeff Darcy	: DECISION ON REQUEST FOR
Patent Number	: 7631120	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/924,559	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/24/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **732** 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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JAN 14 2008

OFFICE OF PETITIONS

DANIEL H. GOLUB
1701 MARKET STREET
PHILADELPHIA, PA 19103

In re Application of :
Hari Gopalkrishnan et al :
Application No. 10/924,572 : ON PETITION
Filed: August 24, 2004 :
Attorney Docket No. 018638-04-5008

This is a decision on the petition, filed January 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 January 3, 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]

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 2153 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Morgan Lewis & Bockius LLP
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

---

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BRANDE AND MCCLEARY
5976 FALLING TREE LANE
ALTA LOMA CA 91737

COPY MAILED

JAN 0 9 2006

OFFICE OF PETITIONS

In re Application of	:	
RICHARD F. KLEIN	:	
Application No. 10/924,573	:	DECISION ON PETITION
Filed: August 24, 2004	:	TO MAKE SPECIAL UNDER
Attorney Docket No. n/a	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 17, 2005, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a copy of the applicant's birth certificate. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Amelia Au at 571-272-7414.

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 3723 for action on the merits commensurate with this decision.

Amelia Au
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HOGAN & HARTSON
500 S. GRAND AVENUE
SUITE 1900
LOS ANGELES CA 90071-2611

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SEP 0 1 2005

OFFICE OF PETITIONS

In re Application of	:	
Kazumi Saburi et al	:	
Application No. 10/924,575	:	ON PETITION
Filed: August 24, 2004	:	
Attorney Docket No. 81922.0015	:	

This is a decision on the petition, filed August 31, 2005, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on July 22, 2005 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

The examiner of Technology Center AU 2643 will consider the request for continued examination under 37 CFR 1.114.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

---

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

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JUL 28 2006

OFFICE OF PETITIONS

HOGAN & HARTSON LLP
500 S. GRAND AVENUE
SUITE 1900
LOS ANGELES CA 90071-2611

In re Application of	:	
Hitoshi Inoue	:	
Application No. 10/924,575	:	ON PETITION
Filed: August 24, 2004	:	
Attorney Docket No. 81922.0015	:	

This is a decision on the petition, filed July 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 December 20, 2005, in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

The examiner of Technology Center AU 2617 will consider the request for continued examination under 37 CFR 1.114.

Karen Creasy
Petitions Examiner
Office of Petitions

---

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HOGAN & HARTSON L.L.P.
1999 AVENUE OF THE STARS
SUITE 1400
LOS ANGELES CA 90067

COPY MAILED
DEC 13 2006
OFFICE OF PETITIONS

In re Application of	:	
Hitoshi Inoue	:	
Application No. 10/924,575	:	DECISION GRANTING PETITION
Filed: August 24, 2004	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 81922.0015	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed December 11, 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 21, 2006 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Terri Williams at (571) 272-2991.

This application is being referred to Technology Center AU 2617 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

Frances Hicks
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Paper No. 102504

JAN 25 2005

HOWARD M. ELLIS
SIMPSON & SIMPSON, PPLC
5555 MAIN STREET
WILLIAMSVILLE, NY 14221

In re Application of:	:	
JOSEPH M. RAIT	:	DECISION ON PETITION
Serial No.: 10/924,605	:	TO MAKE SPECIAL
Filed: August 24, 2004	:	
Attorney Docket No.: DYVP:101US	:	

This is a decision on the petition under 37 C.F.R. § 1.102(c), filed August 24, 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 driver's license from the inventor, Joseph M. Rait, showing his date of birth. This is evidence that he is sixty-five (65) years of age or more.

Accordingly, the petition is GRANTED.

After allowance, this application will be given priority for printing. See M.P.E.P. § 1309.

Inquiries regarding this decision should be directed to Jose G. Dees at (571) 272-1569.

Jose G. Dees, Special Programs Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HOWARD M. ELLIS
SIMPSON & SIMPSON, PLLC
5555 Main STREET
WILLIAMSVILLE, NY 14221

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JUL 0 8 2008

OFFICE OF PETITIONS

In re Application of

RAIT, Joseph M.
Application No. 10/924,605
Filed: August 24, 2004
Attorney Docket No. DYVP:101 US

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 18, 2008.

The request is **NOT APPROVED.**

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request cannot be approved because no reasons for withdrawal have been provided. The Office cannot, at this time, determine whether practitioner's request is one of the mandatory or permissive reasons enumerated in 37 CFR 10.40. Any subsequent requests must include reasons for withdrawal. Please note that there is a space provided for on PTO/SB/83 (Request to Withdraw as Attorney or Agent) to supply practitioner's reasons.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: DR. JOSEPH M. RAIT
DYNAVEST CORPORATION
2201 3RD AVENUE, APT 2604
SEATTLE, WA 98121

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WORKMAN NYDEGGER
(F/K/A WORKMAN NYDEGGER & SEELEY)
60 EAST SOUTH TEMPLE
1000 EAGLE GATE TOWER
SALT LAKE CITY UT 84111

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JUN 05 2007

OFFICE OF PETITIONS

In re Application of	:
Mina Farr et al.	: DECISION ON PETITION
Application No. 10/924,606	:
Filed: August 24, 2004	:
Attorney Docket Number: **15436.242.1**	:

This is a decision on the petition under 37 CFR 1.137(a), filed May 25, 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(a)" or "Renewed Petition under 37 CFR 1.137(b)." This is not a final agency decision.

This application became abandoned on May 12, 2006, for failure to timely respond to the Restriction Requirement mailed April 10, 2006 and which set a one (1) month period for reply. Accordingly, a Notice of Abandonment was mailed November 22, 2006.

Petitioner asserts unavoidable delay in responding to the Restriction Requirement because of non-receipt of the Notice.

A grantable petition to revive an abandoned application under 37 CFR 1.137(a) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with §

> 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof;
> (2) the petition fee as set forth in § 1.17(l);
> (3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable; and
> (4) any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (c) of this section.

This petition lacks item (3) above.

SHOWING OF UNAVOIDABLE DELAY

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

> The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.[1]

The showing of record is inadequate to establish unavoidable delay within the meaning of 37 CFR 1.137(a). Specifically, an application is "unavoidably" abandoned only where petitioner, or counsel for petitioner, takes all action necessary for a proper response to the outstanding Office action, but through the intervention of unforeseen circumstances, such as failure or mail, telegraph, telefacsimile, or the negligence of

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[1] 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).

otherwise reliable employees, the response is not timely received in the Office. [2]

Petitioner has not presented any evidence to establish unavoidable delay within the meaning of 35 U.S.C. § 133 and 37 CFR 1.137(a), as petition has not proven non-receipt.

ALTERNATIVE VENUE

Petitioner may wish to consider filing a renewed petition under 37 CFR 1.137(b) [3], which now provides that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b).

The filing of a petition under the unintentional standard cannot be intentionally delayed and therefore should be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

It should be noted that if petitioner chooses to file a petition under the unintentional standard the fees due would be $1500.00 for a large entity and $750.00 for a small entity and the fees submitted with the instant petition cannot be applied as petitioner has already received consideration under the unavoidable standard.

Further correspondence with respect to this matter should be addressed as follows:

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[2] Ex parte Pratt 1887 Dec. Comm'r Pat. 31 (Comm'r Pat. 1887).

[3] Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JUN 14 2005

Chin Chia Liu
#120
275 E. 6th Street
Tustin CA 92780

In re Application of	:	
Chin Chia Liu	:	
Serial No.: 10/924,608	:	DECISION ON PETITION
Filed: August 23, 2004	:	
For: Finger Acupressure Apparatus	:	

This is in response to applicants' petition filed April 2, 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) 273-0275.

Frederick R. Schmidt, Director
Technology Center 3700

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov
DAV 04-01

Paper No. 16

DAVID L. MCCOMBS
HAYNES AND BOONE
3100 NATIONSBANK PLAZA
901 MAIN STREET
DALLAS, TX 75202-3789

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MAY 0 7 2001

OFFICE OF PETITIONS
A/C PATENTS

In re Application of	:
Zucker, Peckover, and Poore	: DECISION ACCORDING STATUS
Application No. 09/100,671	: UNDER 37 CFR 1.47(a)
Filed: 19 June, 1998	:
Attorney Docket No. 19010.715	:

This is in response to the twice renewed petition under 37 CFR 1.47(a)[1] filed on 16 April, 2001 (certificate of mailing date 10 April, 2001).

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 affidavit of Ruben C. DeLeon establishes that a copy of the application was sent to the non-signing inventor, Jeffrey Zucker, via his attorney, but that Zucker failed to execute and return the declaration. Additionally, a copy of the application was sent by courier to Zucker's home, but Zucker refused, via his wife, to accept delivery of the application.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

COPY

[1]A grantable petition under 37 CFR 1.47(a) requires:

(1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);

(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;

(3) the petition fee; and

(4) a statement of the last known address of the non-signing inventor.

As provided in Rule 1.47(a), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the Declaration. Notice of the filing of this application will also be published in the Official Gazette.

After this decision is mailed, the application will be forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries related to this decision should be directed to Petitions Attorney Douglas I. Wood at (703)308-6918.

Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov
DIW 04-01

Paper No. 17

Jeffrey Zucker
6036 Thursby
Dallas, TX 75248

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MAY 0 7 2001

OFFICE OF PETITIONS
A/C PATENTS

In re Application of
Zucker et al.
Application No. 09/100,671
Filed: 19 June, 1998
For: Third Party Privacy System

Dear Mr. Zucker:

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 Petitions Attorney Douglas I. Wood at 703/308-6918. Requests for information regarding your application should be directed to the File Information Unit at 703/308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at 703/308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

COPY

DAVID L. MCCOMBS
HAYNES AND BOONE
3100 NATIONSBANK PLAZA
901 MAIN STREET
DALLAS, TX 75202-3789

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JUL 05 2006

OFFICE OF PETITIONS

HAYNES AND BOONE, LLP
901 MAIN STREET, SUITE 3100
DALLAS, TX 75202

In re Application of	:	
Zucker, et. al.	:	DECISION ON REQUEST
Application No. 10/924,626	:	TO WITHDRAW FROM
Filed: August 24, 2004	:	RECORD
Attorney Docket No. 35207.23	:	

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 September 23, 2005.

The request to withdraw as attorney or agent is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to all the attorneys or agents of record have been revoked by the assignee of the patent application. 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

Conferee:

cc: BAKER BOTTS, L.L.P.
2001 ROSS AVENUE
SUITE 600
DALLAS, TX 75201-2980

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Paper No. 120904

JAN 6 2005

Patricia Smith King
KING RESEARCH & LAW
222 N. Midvale Blvd., Ste. 22
Madison, WI 53705

In re Application of:	:	
Richard J. DeSa	:	DECISION ON PETITION
Serial No.: 10/924,654	:	TO MAKE SPECIAL
Filed: August 24, 2004	:	
Attorney Docket No.: **DES-005USP**	:	

This is a decision on the petition under 37 C.F.R. § 1.102(c), filed November 05, 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 statement from Richard J. DeSa 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 Clayton E. LaBalle at (571) 272-1594.

Clayton E. LaBalle

Clayton E. LaBalle, Special Programs Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

CEL/nmc

UNITED STATES PATENT AND TRADEMARK OFFICE

12-28-09

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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Patent No. : 7,596,803 B1
Ser. No. : 10/924,664
Inventor(s) : Larry Barto, et. al.
Issued : September 29, 2009

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481).* This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1.117(h) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
40l Dulany Street
Alexandria, VA 22314

By fax: (703) 872-9306
ATTN: Office of Petitions

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, , no additional fee is required.

Eva James
For Mary Diggs
Decisions & Certificates
of Correction Branch
(703) 756-1583 or 1580

Larson Newman & Abel, LLP14 West Courtyard Drive
5914 West Courtyard Drive, Suite 200
Austin, Texas 78730

ej

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OFFICE OF PETITIONS

LARSON NEWMAN & ABEL, LLP
5914 WEST COURTYARD DRIVE
SUITE 200
AUSTIN TX 78730

In re Patent No. 7,596,803	:	
Issue Date : September 29, 2009	:	
Application No. 10/924,664	:	ON PETITION
Filed: August 24, 2004	:	
Attorney Docket No. 1458-TT5637	:	

This is a decision on the petition, filed January 22, 2010, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the assignee's name on the Fee(s) Transmittal form PTOL-85(b) so that the Letters Patent will issue to the assignee.

The request is **DISMISSED**.

37 CFR 3.81(b), effective June 25, 2004, reads:

> *After payment of the issue fee:* Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a)) and the processing fee set forth in § 1.17(i) of this chapter.

The request under 37 CFR 3.81(b) was not accompanied by a statement that the assignment was submitted for recordation before issuance of the patent. As petitioner has failed to comply with the provisions of 37 CFR 3.81(b), the request cannot be granted at this time.

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[1] *See* MPEP 1309, subsection II and Official Gazette of June 22, 2004

The Certificate of Correction fee of $100 has been charged to Deposit Account No. 50-3797, as authorized.

Inquiries concerning this decision should be directed to Diane Goodwyn at (571) 272-6735.

Any questions concerning issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (571) 272-4200.

Thurman K. Page

Thurman K. Page
Petitions Examiner
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
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DELPHI TECHNOLOGIES, INC.
M/C 480-410-202
PO BOX 5052
TROY MI 48007

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OFFICE OF PETITIONS

In re Application of	:	
Szczublewski et al.	:	DECISION ON PETITION TO
Application Number: 10/924677	:	WITHDRAW HOLDING OF
Filing Date: 08/24/2004	:	ABANDONMENT
Attorney Docket Number: DP-	:	
310318	:	

This is a decision on the petition filed on January 17, 2008, to withdraw the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

A review of the record reveals that on August 9, 2007, a Notice of Allowance and Fee(s) Due and Notice of Allowability, requiring formal drawings, were mailed, setting a three (3) month shortened statutory period for reply.

On September 28, 2007, an amendment after allowance, summarizing an interview with the examiner in which the examiner stated that no drawing amendment was required, was filed.

On October 31, 2007, the issue and publication fees were paid.

On December 12, 2007, Notice of Abandonment was mailed. The Notice stated that the application was abandoned for failure to file drawings in response to the Notice of Allowability.

On January 17, 2008, the present petition was filed. Petitioner asserts that the examiner had previously agreed that corrected drawings were not required.

Upon review, the examiner has concurred that the drawings did not require amendment, and that no new drawings were required.

In view thereof, it has been determined that there was no abandonment in fact.

The holding of abandonment is **withdrawn**, and the Notice of Abandonment is **vacated**.

The application is being referred to the Office of Data Management for processing into a patent.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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ALEXANDRIA, VA 22313-1450
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Richard O. Bartz
Suite 350
6750 France Avenue South
Edina, MN 55435

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JAN 26 2005

OFFICE OF PETITIONS

In re Application of	:	
Kenneth C. Finochiaro	:	
Application No. 10/924,678	:	DECISION GRANTING PETITION
Filed: August 24, 2004	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. K6.12.1	:	

This is a decision on the petition, filed December 27, 2004, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on August 24, 2004. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition to revive an application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

(1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
(2) the petition fee as set forth in 37 CFR 1.17(m); and
(3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date of May 5, 2005 accompanies this decision on petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3223.

This application is being referred to Technology Center Art Unit 1744 for examination in due course.

Marianne E. Jenkins
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. BOX 2938
MINNEAPOLIS MN 55402

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OFFICE OF PETITIONS

In re Application of	:	
Michael J. Dorough et al	:	
Application No. 10/924,695	:	ON PETITION
Filed: August 24, 2004	:	
Attorney Docket No. 303.821US2	:	

This is a decision on the petition, filed May 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 on March 21, 2006, in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

The examiner of Technology Center AU 2863 will consider the request for continued examination under 37 CFR 1.114.

Karen Creasy
Petitions Examiner
Office of Petitions

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[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

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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

HICKMAN PALERMO TRUONG & BECKER, LLP
2055 GATEWAY PLACE
SUITE 550
SAN JOSE, CA 95110

Mail Date: 06/08/2010

Applicant	: Masum Z. Hasan	: DECISION ON REQUEST FOR
Patent Number	: 7631222	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 10/924,702	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/23/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1191** 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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RATNERPRESTIA
P O BOX 980
VALLEY FORGE PA 19482-0980

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OCT 16 2006
OFFICE OF PETITIONS

In re Application of	:	
Mukherjee, et al.	:	
Application No. 10/924,726	:	ON PETITION
Filed: August 24, 2004	:	
Attorney Docket No. GLT-104US1	:	

This is a decision on the petition to revive under 37 CFR 1.137(a), filed August 9, 2006.

The petition under 37 CFR 1.137(a) is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)". Extensions of time under 37 CFR 1.136(a) are permitted. No fee is required for a renewed petition.

The above-identified application became abandoned for failure to timely file a reply in response to the Notice to File Missing Parts, mailed October 19, 2004. This Office action set a period for reply of two (2) 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 December 20, 2004. A Notice of Abandonment was mailed on July 12, 2005.

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the reply required to the outstanding Office action or notice, unless previously filed; (2) the petition fee set forth

in 37 CFR 1.17(l); and (3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable. The instant petition lacks items (3) and (1).

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable: "The word 'unavoidable' ... is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business."[1]

Moreover, delay resulting from the lack of knowledge or improper application of the patent statutes, rules of practice or the Manual of Patent Examining Procedure, however, does not constitute "unavoidable" delay.[2]

With regards to item (3), petitioner states that he did not receive the October 19, 2004 Notice to File Missing Parts. The Office action was properly mailed to the address set forth in the application transmittal letter - Buchanan Ingersoll PC, 213 Market Street, 3rd Floor, Harrisburg PA, 17102-2121.

To establish nonreceipt of an Office action, a petitioner must: 1) include a statement that the Office action was not received; 2) attest to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and 3) include a copy of the **docket record** where the nonreceived Office action would have been entered had it been received and docketed.[3] A proper docket report consists of a "docket record where the nonreceived Office action would have been entered had it been received and docketed."[4] "For example, if a three month period for reply was set in the nonreceived Office action, a copy

---

[1] In re Mattulath, 38 App. D.C. 497, 514-15 (1912)(*quoting* Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 U.S.P.Q. 666, 167-68 (D.D.C. 1963), aff'd, 143 U.S.P.Q. 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913).

[2] See Haines, 673 F. Supp. at 317, 5 U.S.P.Q. 2d at 1132; Vincent v. Mossinghoff, 230 U.S.P.Q. 621, 624 (D.D.C. 1985); Smith v. Diamond, 209 U.S.P.Q. 1091 (D.D.C. 1981); Potter v. Dann, 201 U.S.P.Q. 574 (D.D.C. 1978); Ex parte Murray, 1891 Dec. Comm'r Pat. 130, 131 (1891).

[3] See MPEP 711.03(c)(II).

[4] MPEP 711.03(c)(II) (emphasis added).

of the docket record showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted..."[5]

With regards to item (1), petitioner has not submitted the required reply. A copy of the Notice to File Missing Parts is enclosed for petitioner's convenience.

Alternative Venue and Other Matters:

While the showing of record is not sufficient to establish to the satisfaction of the Commissioner that the delay was unavoidable, petitioner is not precluded from obtaining relief by filing a petition pursuant to 37 CFR 1.137(b) on the basis of unintentional delay. A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by (1) The reply required to the outstanding Office action or notice, unless previously filed; (2) The petition fee as set forth in 37 CFR 1.17(m), currently $1500; and (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

Enc: copy of Notice to File Missing Parts (2 pages)

---

[5] Id.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/924,726	08/24/2004	Debabrata Mukherjee	00-40383-US-CON

CONFIRMATION NO. 6469

FORMALITIES LETTER

OC000000014130926

Marc J. Farrell, Esquire
Buchanan Ingersoll PC
3rd Floor
213 Market Street
Harrisburg, PA 17101-2121

Date Mailed: 10/19/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
  Applicant must submit $ 790 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- The signature of the following inventor(s) is missing from the oath or declaration:
  Debabrata Mukherjee, Timothy R. Hess
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of $130 for a non-small entity, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of **$234** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **$1154** for a Large Entity

- **$790** Statutory basic filing fee.
- **$130** Late oath or declaration Surcharge.

- **Total additional claim fee(s) for this application is $234**
  - **$234 for 13 total claims over 20.**

Replies should be mailed to: **Mail Stop Missing Parts**
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

A copy of this notice MUST be returned with the reply.

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 3 - OFFICE COPY

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OFFICE OF PETITIONS

In re Application of Debabrata Mukherjee, et al. Application No. 10/924,726 Filed: August 24, 2004 Attorney Docket No. GLT-104US1	: : : : :	ON PETITION

This is a decision on the petition, filed January 19, 2007, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed October 19, 2004. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on December 19, 2004. A Notice of Abandonment was mailed on July 12, 2005. In response, on August 9, 2006, a petition under 37 CFR 1.137(a) was filed. The petition was dismissed in a decision mailed October 16, 2006. On January 19, 2007, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a declaration signed by all the joint inventors and payment of the filing fees and surcharge of $1,154; (2) the petition fee of $1,500; and (3) an adequate statement of unintentional delay.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

The application is being referred to the Office of Initial Patent Examination (OIPE) for further processing.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204.
Telephone inquiries related to OIPE processing should be directed to their hotline at (571) 272-4000.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: CHRISTOPHER R. LEWIS
1235 WESTLAKES DRIVE
BERWYN, PA 19312

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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MAR 0 5 2007

OFFICE OF PETITIONS

In re Application of	:	
Larson et al.	:	
Application No. 10/924,736	:	DECISION ON PETITION
Filed: August 23, 2004	:	TO MAKE SPECIAL UNDER
Attorney Docket No. EID 301CON	:	37 CFR 1.102(c)(2)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(2)(iii), filed February 8, 2006, to make the above-identified application special based on the invention materially contributing to countering terrorism as set forth in M.P.E.P. § 708.02, Section XI.

The petition is **DISMISSED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(2)(iii) and MPEP § 708.02, Section XI: Inventions for Countering Terrorism, should state that special status is sought because the invention materially contributes to countering terrorism. International terrorism as defined in 18 U.S.C. 2331 includes:

> activities that - (A) involve violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or of any State; [and] (B) appear to be intended - (i) to intimidate or coerce a civilian population; (ii) to influence the policy of a government by intimidation or coercion; or (iii) to affect the conduct of a government by assassination or kidnapping...

If the disclosure it not clear on its face that the claimed invention is materially directed to countering terrorism, the petition must be accompanied by a statement by the applicant, assignee or a registered attorney/agent explaining how the materiality standard is met. The types of technology for countering terrorism could include, but are not limited to, systems for detecting/identifying explosives, aircraft sensors/security systems, and vehicular barricades/disabling systems. No fee is required.

The USPTO's final rule amending 37 CFR 1.102(c)(2) states:

> The materially standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner that could counter terrorism. Nor does such standard permit an applicant to enjoy the benefit of advance examination merely because some minor aspect of the claimed invention may be directed to countering terrorism...[Response to Comment 65] applicants should not expect to have their petitions granted without a clear demonstration that the claimed invention is materially related to countering terrorism. 69 Fed. Reg. 56511 (Sept. 21, 2004)

The instant invention is directed to methods of centrally administering security for various sponsor facilities and implementation of personnel security. That the instant invention could potentially provide enhanced management of personnel security, as alleged in the instant petition, does not in itself meet the materiality standard since the materially standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner that could counter terrorism. Additionally, further steps would be required to actually offset or nullify terrorism. As a result, no advancement in the technology of countering terrorism has been persuasively shown.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By FAX: (571) 273-8300

Telephone inquiries concerning this decision should be directed to Jefferey Harold at 571-272-7519, or to the undersigned at 571-272-7099.

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 2132 for action in its regular turn.

David Bucci
Petitions Examiner
Office of Petitions

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AZURE INSTITUTE
INTELLECTUAL PROPERTY DEPT.
4108 SORRENTO VALLEY BOULEVARD
SAN DIEGO CA 92124

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JAN 2 6 2009

OFFICE OF PETITIONS

In re Application of	:	
Guo et al.	:	
Application No. 10/924,738	:	DECISION ON PETITION
Filed: August 23, 2004	:	
Attorney Docket No. A0122-US0101	:	

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 properly and timely reply to the final Office action mailed April 5, 2007. No extensions of time under the provisions of 37 CFR 1.136(a) were timely obtained. Accordingly, this application became abandoned on July 6, 2007. A Notice of Abandonment was mailed October 31, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $405.00 and the submission required by 37 CFR 1.114; (2) the petition fee of $810.00; and (3) a proper statement of unintentional delay.

It is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must notify the Office. It is not apparent whether the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute this patent. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts. While, a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed to the address currently of record until such time as appropriate instructions are received to the contrary.

Further, 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 three month extension of time fee submitted with the petition on January 9, 2009 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be refunded to petitioner's credit card in due course.

Telephone inquiries concerning this decision should be directed to Joan Olszewski at (571) 272-7751.

The file is now being forwarded to Technology Center 1641 for processing of the Request for Continued Examination under 37 CFR 1.114 filed with the instant petition.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

cc: Fred C. Hernandez
Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.
3580 Carmel Mountain Road, Suite 300
San Diego, CA 92130

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SCHWABE, WILLIAMSON & WYATT, P.C.
1420 FIFTH, SUITE 3010
SEATTLE, WA 98101

Mail Date: 04/21/2010

Applicant	: Gamze Seckin	: DECISION ON REQUEST FOR
Patent Number	: 7599307	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/924,740	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/23/2004	: 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.:20090812

DATE : July 27, 2009

TO SPE OF : ART UNIT 2628

SUBJECT : Request for Certificate of Correction on Patent No.: 7474311

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:

/KEE M TUNG/
Supervisory Patent Examiner.Art Unit 2628

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OFFICE OF PETITIONS

GROOVER & HOLMES
BOX 802889
DALLAS, TX 75380-2889

In re Application of
Richard Harris and Handoko Linewih
Application No. 10/924,763
Filed: August 23, 2004
Title: INTEGRATED ELECTRONIC DISCONNECTING CIRCUITS, METHODS, AND SYSTEMS

: DECISION NOTING JOINDER OF INVENTOR AND PETITION UNDER 37 CFR 1.47(a) MOOT

This is in response to the "Petition Under 37 CFR 1.47(a)," filed February 28, 2005 and supplemented on March 14, 2005.

Petitioner has submitted a Declaration executed by the previously non-signing inventor Handoko Linewih. Therefore, in view of the joinder of the inventors, consideration under 37 CFR 1.47(a) is not necessary and the petition is considered moot. This application does not require Rule 1.47(a) status, and no such status should appear on the file wrapper. This application need not be returned to this Office for further consideration under 37 CFR 1.47(a). The petition fee has not been charged.

<u>However, please note, a Declaration in compliance with 37 CFR 1.63 has not been submitted. Applicant must submit a corrected Declaration that contains the executed signature blocks of BOTH inventors.</u>

The file is being forwarded to Technology Center 2800 for examination *in due course*.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3228.

Edward J. Tannouse
Petitions Attorney
Office of Petitions/Patent
United States Patent and Trademark Office

UNITED STATES PATENT AND TRADEMARK OFFICE

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SHERIDAN ROSS PC
1560 BROADWAY
SUITE 1200
DENVER, CO 80202

Mail Date: 06/21/2010

Applicant	: Christopher Heiss	: DECISION ON REQUEST FOR
Patent Number	: 7632410	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 10/924,764	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/23/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **507** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.uspto.gov

APR 27 2005

In re Application of	:	
E. Ettlinger	:	AP
Serial No:10/924,797	:	PETITION UNDER
Filed: August 25, 2004	:	M.P.E.P. 708.02, IV
For: SYSTEM FOR STERILIZATION OF SPACES SURFACES FROM CONSEQUENCES OF BIOTERRORISM	:	

This is in response to the petition filed April 2, 2005, requesting that the above-identified application be granted Special Status under Section 708.02, IV of the MPEP and 37 CFR 1.102(c).

The petition lacks evidence showing that the applicant is of 65 years of age or more, such as a birth certificate, copy of driver's license or **applicant's** statement of age. Accordingly, the petition is denied.

The petition is **DENIED**

R Crispino

Richard Crispino, Special Program Examiner
Technology Center 1700
Chemical and Materials Engineering

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UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit: 1744

In re:

Applicant: E. ETTLINGER, et al

Serial No.: 10/924,797
10/924,797

Filed: 08/25/2004

For: SYSTEM FOR STERILIZATION OF SPACES AND SURFACES FROM CONSEQUENCES OF BIOTERRORISM

PETITION TO MAKE APPLICATION SPECIAL

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

This application was filed on August 25, 2004. It is respectfully submitted that the inventor of the above identified application Mr. E. Ettlinger is over 65 years old. In accordance with the existing regulations it is therefore respectfully requested to make this application special and to expedite the examination.

Enclosed please find a document confirming the date of birth of the inventor, Mr. E. ETTLINGER.

PETITION GRANTED

Richard Crispino
Special Program Examiner
TC 1700

SEP 1 2 2005

PAGE 3/4 * RCVD AT 9/4/2005 2:58:37 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/24 * DNIS:2738300 * CSID:16311

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1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON, VA 22209-3873

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SEP 3 0 2005

Technology Center 2100

In re Application of: YAGISAWA, et al.
Application No. 10/924,813
Filed: August 25, 2004
For: DISK ARRAY SYSTEM FOR SUPPRESSING DISK FAULT

DECISION ON PETITION TO MAKE SPECIAL (ACCELERATED EXAMINATION) UNDER M.P.E.P. §708.02 (VIII)

This is a response to the petition filed 11 August 2005 under 37 C.F.R. §1.102(d) and M.P.E.P. §708.02 (VIII): Accelerated Examination, to make the above-identified application special.

The Petition is **GRANTED**.

M.P.E.P. §708.02, Section VIII which sets out the prerequisites for a grantable petition for Accelerated Examination under 37 C.F.R. §1.102(d) states in relevant part:

A new application (one which has not received any examination by the examiner) may be granted special status provided that applicant (and this term includes applicant's attorney or agent) complies with each of the following items:

(a) Submits a petition to make special accompanied by the fee set forth in **37 CFR 1.17(h)**;

(b) Presents all claims directed to a single invention, or if the Office determines that all the claims presented are not obviously directed to a single invention, will make an election without traverse as a prerequisite to the grant of special status;

(c) Submits a statement(s) that a pre-examination search was made, listing the field of search by class and subclass, publication, Chemical Abstracts, foreign patents, etc. The pre-examination search must be directed to the invention as claimed in the application for which special status is requested. A search made by a foreign patent office satisfies this requirement;

(d) Submits one copy each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and

(e) Submits a detailed discussion of the references, which discussion points out, with the particularity required by 37 CFR 1.111 (b) and (c), how the claimed subject matter is patentable over the references.

Applicant's submission meets all the criteria set out above. Accordingly, the petition is **GRANTED**.

The application file is being forwarded to the Examiner of Record for accelerated examination according to the procedures set forth in MPEP § 708.02, Section VIII.

Pinchus M. Laufer
Special Program Examiner
Technology Center 2100
Computer Architecture, Software and Information Security
571-272-3599

ds

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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

Mail Date: 04/21/2010

Applicant	: Yasushi Yagi	: DECISION ON REQUEST FOR
Patent Number	: 7569124	: RECALCULATION of PATENT
Issue Date	: 08/04/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/924,830	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/25/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1316** 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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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

Mail Date: 05/18/2010

Applicant : Yasushi Yagi
Patent Number : 7569124
Issue Date : 08/04/2009
Application No : 10/924,830
Filed : 08/25/2004

: 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 **1356** 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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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

Mail Date: 04/20/2010

Applicant	: Jae-moon Lee	: DECISION ON REQUEST FOR
Patent Number	: 7583838	: RECALCULATION of PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/924,871	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/25/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **992** 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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H.C. PARK & ASSOCIATES, PLC
8500 LEESBURG PIKE
SUITE 7500
VIENNA, VA 22182

Mail Date: 04/20/2010

Applicant	: Mu-Hyun Kim	: DECISION ON REQUEST FOR
Patent Number	: 7592620	: RECALCULATION of PATENT
Issue Date	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/924,879	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/25/2004	: 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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Medtronic
Attn: Noreen Johnson - IP Legal Department
2600 Sofamor Danek Drive
Memphis, TN 38132

Mail Date: 04/21/2010

Applicant	: Jeffrey H. Nycz	: DECISION ON REQUEST FOR
Patent Number	: 7644016	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/924,897	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/25/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1245** 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: A. Grimley

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 7/10/06

TO SPE OF : ART UNIT 2852

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/924,904 Patent No.: 7006725

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: _____

DAVID M. GRAY
SUPERVISORY PATENT EXAMINER

SPE

2852
Art Unit

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PEORIA, IL 61629-6490

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APR 21 2006

OFFICE OF PETITIONS

In re Application of :
Alan L. Ferguson et al :
Application No. 10/924,908 : ON PETITION
Filed: August 25, 2004 :
Attorney Docket No. 08350.3395-00000

This is a decision on the petition filed, April 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 February 21, 2006 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 2125 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement

Irvin Dingle
Petitions Examiner
Office of Petitions

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[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

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APR 13 2007

OFFICE OF PETITIONS

In re Application of
Richard Appleyard
Application No. 10/924,928
Filed: August 24, 2004
Attorney Docket No. 19508.02

ON PETITION

This is a decision in response to the communication, filed August 30, 2006, which is being treated as a petition to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for a failure to reply in a timely manner to a non-final Office action mailed October 6, 2005. A Notice of Abandonment was mailed on May 4, 2006. On August 30, 2006, the present "petition" was filed. It is noted that while the transmittal letter for the filing on August 30, 2006 suggest a petition to revive application was included, no petition was not found among the papers.

A grantable petition under 37 CFR 1.137(b)[1] must be accompanied by: (1) the required reply,[2] unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D).

---

[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.

Petitioner has supplied the reply in the form of an amendment and the petition fee of $750.00; however, the petition lacks an adequate statement of unintentional delay. See item (3) above.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204 .

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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ARLINGTON, VA 22215

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SEP 26 2007

OFFICE OF PETITIONS

In re Application of
Richard Appleyard
Application No. 10/924,928
Filed: August 25, 2004
Attorney Docket No. 19508.02

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b) to revive the above-identified application, filed June 12, 2007.

A review of the record shows that the application was abandoned for a failure to respond to a non-final Office action mailed October 6, 2005. On August 30, 2006, a petition to revive was filed; however, the petition was dismissed in a decision mailed April 13, 2007, since the petition failed to include an adequate statement of unintentional delay. In response, on June 12, 2007, the present petition was filed.

Petitioner argues that the USPTO apparently misplaced the original petition, since it was complete as filed in compliance with 37 CFR 1.137(b). Petitioner does not make a statement of unintentional delay as required by 1.37(b) in the renewed petition, but rather suggest that pages 1 and 2 of the petition from counsel's file copy are attached to the present petition; however, no such attachment was found.

Accordingly, the petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)" and include any omission noted above. This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Further correspondence with respect to this matter should be addressed as follows:

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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

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APR 03 2008

OFFICE OF PETITIONS

In re Application of :
Richard Appleyard :
Application No. 10/924,928 : ON PETITION
Filed: August 25, 2004 :
Attorney Docket No. 19508.02 :

This is a decision on the renewed petition, filed November 26, 2007, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for a failure to reply in a timely manner to the non-final Office action mailed October 6, 2005. On August 30, 2006 a petition under 37 CFR 1.137(b) was filed; however, the petition was dismissed by a decision mailed April 13, 2007. The petition was renewed on June 12, 2007; however, it was dismissed in a decision mailed September 26, 2007. On November 26, 2007, the present petition was filed.

The petition now 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 $750; and (3) an adequate statement of unintentional delay.

The application is being referred to Technology Center AU 3671 for appropriate action by the Examiner in the normal course of business on the amendment filed August 30, 2006.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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CRYSTAL CITY STATION
ARLINGTON, VA 22215

In re Application of
Ailene P. Thies
Application No. 10/924,931
Filed: August 25, 2004
Attorney Docket No. 23556.00

ON PETITION

This is a decision in response to the petition, filed September 11, 2007, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for a failure to reply in a timely manner to a non-final Office action mailed August 8, 2006. A Notice of Abandonment was mailed on March 27, 2007. In response, on September 11, 2007, 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 $750; and (3) an adequate statement of unintentional delay.

The application is being referred to Technology Center AU 3751 for consideration of the amendment filed September 11, 2007.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

In re Application of
Julian Mark Ebbutt et al
Application No. 10/924,953
Filed: August 25, 2004
Attorney Docket No. 2558-83

ON PETITION

This is a decision on the petition filed December 7, 2006, requesting withdrawal of the above-identified application from issue after payment of the issue fee.

The petition is **DISMISSED as moot.**

Unfortunately, the petition did not reach the appropriate official for decision within sufficient time to avert issuance of the application into a patent. Petitioner's attention is directed to 37 CFR 1.313(d), which states:

> A petition under this section will not be effective to withdraw the application from issue unless it is actually received and granted by the appropriate officials **before the date of issue.** Withdrawal of an application from issue after payment of the issue fee may not be effective to avoid publication of application information.

The information disclosure statement (IDS) has been placed in the file of the above-identified application without further consideration. See 37 CFR 1.97(l).

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/924,964	08/25/2004	Ting-Kun Yeh	025796-00016	7239

7590 04/29/2008
ARENT FOX KINTNER PLOTKIN & KAHN, PLLC
Suite 400
1050 Connecticut Avenue, N.W.
Washington, DC 20036-5339

EXAMINER
DUDEK JR, EDWARD J

ART UNIT	PAPER NUMBER
2186	

MAIL DATE	DELIVERY MODE
04/29/2008	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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APR 29 2008

TECHNOLOGY CENTER 2100

ARENT FOX KINTNER PLOTKIN & KAHN, PLLC
Suite 400
1050 Connecticut Avenue, N.W.
Washington DC 20036-5339

In re Application of: Ting-Kun Yeh
Application No.: 10/924,964
Filed: August 25, 2004
Attorney Docket No.: 025796-00016
For: APPARATUS AND METHOD FOR MEMORY ACCESS OF SHARING BUSES

DECISION ON PETITION *UNDER 37 CFR §1.181*

This is a decision on the petition filed January 4, 2008 under 37 CFR § 1.181, requesting withdrawal of the finality of the office action mailed on December 27, 2007. No fee is required.

A review of the file record indicates that a Request for Continued Examination (RCE) under 37 CFR § 1.114 was filed in the instant application on March 27, 2008. In accordance with 37 CFR § 1.114 (d), which states in part: ***If an applicant timely files a submission and fee set forth in § 1.17(e), the Office will withdraw the finality of any Office action and the submission will be entered and considered.***

Accordingly, in view of the above stated reason, the instant petition, filed under 37 CFR §1.181 to withdraw the finality of the December 27, 2007 Office action in this application, is rendered moot.

The RCE request was processed by the Technology support staff on March 27, 2008. The fee for the RCE was charged to applicant on March 28, 2008.

Accordingly, the petition is **DISMISSED as MOOT**.

The application is being forwarded to the Examiner for action on the merits.

Jack Harvey, Director
Technology Center 2100
Computer Architecture, Software, and Information Security

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ALEXANDRIA, VA 22313-1450
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DEC 10 2004

In re Application of	:	
William V. Goodhue et al.	:	
Serial No. 10/925,005	:	DECISION ON PETITION
Filed: August 25, 2004	:	TO MAKE SPECIAL
For: SCREW GUN	:	

Applicant's petition, filed August 25, 2004, requests that this application be rendered special for examination in that applicant is over sixty-five (65) years of age.

The petition has been reviewed and is found to be in compliance with the requirements for special status as set forth in Section 708.02(IV) of the Manual of Patent Examining Procedure (MPEP).

PETITION GRANTED.

E. Rollins-Cross, Director
Technology Center 3700

Theodore A. Breiner
Breiner & Breiner, LLC
115 North Henry Street
P.O. Box 19290
Alexandria, VA 22320-0290

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ADAMS & WILKS
17 BATTERY PLACE
SUITE 1231
NEW YORK, NY 10004

Mail Date: 04/21/2010

Applicant	: Manabu Oumi	: DECISION ON REQUEST FOR
Patent Number	: 7602692	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/925,047	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/24/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1409** 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

7+

Paper No.: _____

DATE : December 15, 2006

TO SPE OF : ART UNIT 1774

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/925051 Patent No.: 7,087,300 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: _____

_____

_____

_____

_____

SPE

1774

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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Brinks, Hofer, Gilson & Lione
455 N. Cityfront Plaza Drive
NBC Tower, Suite 3600
Chicago, IL 60611

MAILED

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OFFICE OF PETITIONS

In re Application of	:	
David R. Pacholok et al.	:	
Application No. 10/925,073	:	DECISION ON PETITION
Filed: August 24, 2004	:	TO WITHDRAW
Attorney Docket No. 12188/4	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 3, 2006.

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 James A. Collins and all attorneys/agents of record has been revoked by the assignee of the patent application on February 10, 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 Kimberly Inabinet at 571-272-4618.

Kimberly Inabinet
Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: John Paniaguas
Katten Muchin Rosenman
525 West Monroe Street
Chicago, IL 60661

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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SALIWANCHIK LLOYD & SALIWANCHIK
A PROFESSIONAL ASSOCIATION
PO BOX 142950
GAINESVILLE FL 32614-2950

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JUN 19 2007

OFFICE OF PETITIONS

In re Application of	:	
Keum	:	
Application No. 10/925,078	:	DECISION ON PETITION
Filed: August 24, 2004	:	
Attorney Docket No. SUN-DA-152T	:	

This is a decision on the petition under the unintentional delay provisions of 37 CFR 1.137(b), filed January 23, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue and publication fees on or before December 29, 2006, as required by the Notice of Allowance and Fee(s) Due, mailed September 29, 2006, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on December 30, 2006. A Notice of Abandonment was mailed on June 5, 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 $1,400.00 issue fee, a $300.00 publication fee, and a completed PTOL-85(b), (2) the petition fee of $1,500.00; and (3) an acceptable 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.

After the mailing of this decision, the application will be forwarded to Publications Division for processing into a patent.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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BANNER & WITCOFF
1001 G STREET N.W.
SUITE 1100
WASHINGTON, DC 20001

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OFFICE OF PETITIONS

In re Application of	:	
Morris et al.	:	
Application No. 10/925,085	:	ON PETITION
Filed: August 25, 2004	:	
Attorney Docket No.:	:	
009242.00153	:	

This is a decision on the Response to Notice of Omitted Item(s) in a Nonprovisional Application-Original Filing Date to be Maintained, filed January 18, 2005, requesting the application be accorded a filing date of August 25, 2004, including Figure 17 described in the specification.

The petition is **dismissed**.

The application was filed on August 25, 2004. However, on January 3, 2005, the Office of Initial Patent Examination mailed a Notice of Omitted Item(s) in a Nonprovisional Application ("Notice"), noting that a filing date had been accorded the application; however, Figure 17 described in the specification appeared to have been omitted from the application. The Notice set a two-month period for reply, with extensions of time available under 37 CFR §1.136(a).

The mailing of a 'Notice of Omitted Item(s)' will permit the applicant to either: (1) promptly establish prior receipt in the USPTO of the drawing(s) at issue (generally by way of 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).

In response to the Notice, Applicant files the instant petition and draws attention to the incorporation by reference of the prior application. Applicant requests that the application be accorded its original filing date, and that Figure 17 be entered into the instant application.

Applicant is advised that a petition is not necessary in this instance to add Figure 17. The Manual of Patent Examining Procedure ("MPEP") provides that

> [i]f 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 included 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 on to avoid delays in the prosecution of the application. See MPEP § 601.01(d) and § 601.01(g).

MPEP 201.06(c)B.

Applicant may add Figure 17 by way of amendment and without a petition.

In view of the fact that the petition was not necessitated by an error on the part of this Office, the petition fee, $400.00, has been charged to deposit account 19-0733 as authorized in the Fee Transmittal filed with the application on August 25, 2004.

The application will be returned to the Office of Initial Patent Examination for further processing as a nonprovisional

application with a filing date of August 25, 2004, using the application papers filed on that date.

Applicant is advised to file an amendment prior to the first Office action on the merits.

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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FRISHAUF, HOLTZ, GOODMAN & CHICK
220 FIFTH AVENUE
16TH FLOOR
NEW YORK NY 10001-7708

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OFFICE OF PETITIONS

In re Application of	:	
Toshiyuki Ebihara	:	
Application No. 10/925,094	:	ON PETITION
Filed: August 24, 2004	:	
Attorney Docket No. 04577/LH	:	

This is a decision on the petition, filed August 3, 2006, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on June 22, 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 2853 will consider the request for continued examination under 37 CFR 1.114.

Karen Creasy
Petitions Examiner
Office of Petitions

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[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

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Paper No. _____

Date : August 4, 2006

TO : Director, Office of Patent Publication

FROM : Office of the Deputy Commissioner
for Patent Examination Policy

SUBJECT : Withdrawal from Issue of

Applicant(s) :Toshiyuki Ebihara
Application No. :10/925,094
Filed :August 24, 2004

The above-identified application has been assigned Patent No. 7,090,322 and an issue date of August 15, 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 August 15, 2006:

"All reference to Patent No. 7,090,322 to Toshiyuki Ebihara of Japan for PRINTER WITH A MULTI-SEGMENT PRINTHEAD appearing in the Official Gazette of August 15, 2006 should be deleted since no patent was granted."

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc: Paul Harrison, MDW-4B03,(FAX-273-5468)
Deneise Boyd, MDE-3D39 (FAX-273-5124)
Mary Louise McAskill, ST-8C15 (FAX 305-4372)
Niomi Farmer, ST-8C14 (FAX-305-4372)
Mary E. Johnson (Cookie), MDE-7C71 (FAX 273-0038
Duane Davis P/OPC MDE-7D89

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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
10/925,117	08/24/2004	1711	1864	2003B108 / 2	1	76	4

CONFIRMATION NO. 6788

CORRECTED FILING RECEIPT

OC000000018765070

ExxonMobil Chemical Company
Law Technology
P.O. Box 2149
Baytown, TX 77522-2149

Date Mailed: 05/11/2006

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)

Anthony Jay Dias, Houston, TX;
Patrick Brant, Seabrook, TX;
Andy Haishung Tsou, Houston, TX;
Rui Zhao, Houston, TX;
Ilan Duvdevani, Houston, TX;

Power of Attorney:

Keith Bell--30023
Richard Phillips--30097
Catherine Bell--35444
Kelly Nowak--35620
Andrew Griffis--36336
Frank Reid--37918
C. Schmidt--38556
Michael Cromwell--42449
Louis Moreno--44953
Leandro Arechederra III--52457

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/514,697 10/27/2003

Foreign Applications **Acceptable Request to Retrieve Priority Application Received?**

If Required, Foreign Filing License Granted: 10/22/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/925,117

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Microlayered composites and processes for making the same

Preliminary Class

525

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

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Title 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

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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
10/925,127	08/24/2004	3723	770	BO-4446	1	18	2

CONFIRMATION NO. 6895

CORRECTED FILING RECEIPT

OC000000015046815

Mary E. Porter
SAINT-GOBAIN CORPORATION
1 New Bond Street
Box 15138
Worcester, MA 01615-0138

Date Mailed: 01/27/2005

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)

Anne M. Bonner, Nashua, NH;
Edward L. Lambert, Westboro, MA;
Bruce E. Vigeant, Oxford, MA;
Eric Bright, Fiskdale, MA;

Power of Attorney:

Mary Porter–33440
Mike Crosby–40970
Joseph Sullivan–45349
Thomas Field III–45596

Domestic Priority data as claimed by applicant

This application is a CIP of 10/120,969 04/11/2002 PAT 6,679,758 *
and is a CIP of 10/328,802 12/24/2002
and is a CIP of PCT/US03/08936 03/21/2003
(*)Data provided by applicant is not consistent with PTO records.

Foreign Applications

If Required, Foreign Filing License Granted: 10/26/2004

The country code and number of your priority application, to be used for filing abroad under the Paris

Convention, is US10/925,127

Projected Publication Date: 02/03/2005

Non-Publication Request: No

Early Publication Request: No

Title

Method of centerless grinding

Preliminary Class

451

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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ATTN: APURVA M. BHANSALI
SOFTEX, INC.
SUITE 201
9300 JOLLYVILLE RD.
AUSTIN, TX 78759

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OFFICE OF PETITIONS

In re Application of	:	
Apurva Mahendrakumar Bhansali et al	:	
Application No. 10/925,161	:	DECISION ON PETITION
Filed: August 23, 2004	:	TO MAKE SPECIAL UNDER
Attorney Docket No. SOFP:101US	:	37 CFR 1.102(d)
	:	

This is a decision on the petition under 37 CFR § 1.102(d), filed March 6, 2006, to make the above-identified application special based on actual infringement as set forth in M.P.E.P. § 708.02, Section II.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR § 1.102(d) and MPEP § 708.02, Section II: Infringement, must be accompanied by the required fee pursuant to 37 CFR 1.17(h) and a statement by the applicant, assignee, or attorney/agent registered to practice before the Office alleging:

> (A) That there is an infringing device or product actually on the market or method in use;
>
> (B) That a rigid comparison of the alleged infringing device, product, or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed; and
>
> (c) That he or she has made or caused to be made a careful and thorough search of the prior art or has a good knowledge of the pertinent prior art.
>
> Applicant must provide one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record.

The petition complies wit hall the above stated requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Wan Laymon at 571-272-3220.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to Technology Center AU 2134 for action on the merits commensurate with decision.

Denise Pothier for

Amelia Au
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

DICKSTEIN SHAPIRO LLP
1825 EYE STREET, NW
WASHINGTON, DC 20006

Mail Date: 04/21/2010

Applicant	: Richard A. Mauritzson	: DECISION ON REQUEST FOR
Patent Number	: 7652704	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/925,172	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/25/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1554** 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
P.O. Box 1450
Alexandria, VA 22313-145

MAY 23 2005

BROUSE MCDOWELL
388 South Main Street
Suite 500
Akron, OH 44311-4407

In re application of		
Donald Brown	:	
Application No. 10/925,197	:	**DECISION ON REQUEST**
Filed: August 24, 2004	:	**FOR WITHDRAWAL OF**
For: PERSONAL LIFT AID	:	**ATTORNEY**

This is a decision on the request filed on December 20, 2004, under 37 CFR 1.36 and MPEP 402.06, requesting permission to withdraw as the attorney of record in the above-identified application.

The request is **NOT APPROVED as Moot**.

Under 37 CFR 1.36 an attorney may withdraw only upon application to and approval by the Commissioner. It should be noted that a withdrawal is effective when approved, not when filed. Besides giving due notice to his or her client and delivering to the client all papers and property to which the client is entitled as specified under 37 CFR 10.40, approval of such a request requires that the following conditions be met:

A) Each attorney of record must sign the notice of withdrawal, or the notice must contain a clear indication of one attorney signing on behalf of another, because the Office does not recognize law firms;

B) A proper reason for the withdrawal as enumerated in 37 CFR 10.40(b) or subsection (1)-(6) of 37 CFR 10.40(c) must be provided; and

C) If withdrawal is requested in accordance with 37 CFR 10.40(c) above, there must be at least 30 days between approval of the withdrawal and the later of the expiration date of a time period for reply or the expiration date of the period which can be obtained by a petition and fee for extension of time under 37 CFR 1.136(a).

The request to withdraw as attorney in the above-identified application is not approved as moot because the attorney making the request; Daniel A. Thomson, Esq. does not now have, and apparently never has had, power of attorney in this application. There is no record of power of attorney ever being given to the attorney making the request.

Steven N. Meyers
Special Programs Examiner
Patent Technology Center 3600
(571) 272-6611

SNM/pav: 05/11/05

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OFFICE OF PETITIONS

CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA, CA 91109-7068

In re Application of	:	
Jae-Ik Kwon	:	
Application No. 10/925,201	:	DECISION ON PETITION
Filed: August 23, 2004	:	UNDER 37 CFR 1.313(c)(1)
Attorney Docket No. 53181/P849	:	

This is a decision on the petition under 37 CFR 1.313(c), filed January 23, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **DISMISSED**.

37 CFR 1.313(c) provides that:

Once the issue fee has been paid, the application will not be withdrawn from issue upon petition by the applicant for any reason except:

(1) Unpatentability of one of more claims, which petition must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;

(2) Consideration of a request for continued examination in compliance with 37 CFR 1.114; or

(3) Express abandonment of the application. Such express abandonment may be in favor of a continuing application.

Upon payment of the issue fee, an application will not be withdrawn from issue upon petition except for the reasons enumerated in 37 CFR 1.313(c). The circumstances of the above-identified application do not fall within any of those exceptions.

For the reason stated above, the petition under 37 CFR 1.313(c) cannot be granted.

Petitioner is reminded that the filing of any renewed petition to withdraw from issue may not be recognized or effective if not received by the appropriate deciding official in time to act prior to issuance. *Note* 37 CFR 1.313(d). It is recommended that the facsimile number listed below be used to file the renewed petition.

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) 273-0025**
Office of Petitions

Telephone inquiries regarding this decision should be directed to April Wise at (571) 272-1642.

Sherry Brinkley
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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OFFICE OF PETITIONS

In re Application of	:	
Jae-IK Kwon, et al.	:	
Application No. 10/925,201	:	DECISION GRANTING PETITION
Filed: August 23, 2004	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 53181/P849	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed January 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 26, 2007 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries regarding this decision should be directed to April Wise at (571) 272-1642.

This application is being referred to Technology Center AU 2879 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

April M. Wise
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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SCHWEGMAN, LUNDBERG,
WOESSNER & KLUTH, P.A.
P.O. BOX 2938
MINNEAPOLIS MN 55402

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OFFICE OF PETITIONS

In re Application of	:	
Linares	:	
Application No. 10/925,217	:	DECISION
Filed: 24 August, 2004	:	
Attorney Docket No. 15423.7USU1	:	

This is a decision on the petition filed on 2 June, 2009, for revival of an application abandoned due to unintentional delay under 37 C.F.R. §1.137(b).

The petition under 37 C.F.R. §1.137(b) is **GRANTED**.

As to the Allegations
of Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee. (However, it does not appear that a terminal disclaimer and fee are due here.)

Petitioners attentions always are directed to the guidance in the Commentary at MPEP §711.03(c)(II).

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the final Office action mailed on 6 June, 2008, with reply due absent extension of time on or before 6 September, 2008.

On 1 December, 2008, Petitioner filed a request and fee for extension of time and an after-final amendment, which the Examiner refused to enter and Petitioner—as one registered to practice

before the Office—knew was not as of right and not a proper reply[1] if it did not *prima facie* place the application in condition for allowance, and on 17 December, 2008, the Examiner mailed an Advisory Action.

The application went abandoned by operation of law after midnight 6 December, 2008.

The Office mailed the Notice of Abandonment on 16 April, 2009.

On 2 June, 2009, Petitioner filed, *inter alia*, a petition (with fee) pursuant to 37 C.F.R. §1.137(b), with a reply in the form of a request for continued examination (RCE) and fee and a submission under the provisions of 37 C.F.R. §1.114 in the form of an amendment and a statement of unintentional delay.

Petitioners attentions always are directed to the guidance in the Commentary at MPEP §711.03(c)(II).

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[2]

STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).[3]
The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority.

Unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.[4]))

---

[1] A proper reply is an amendment *prima facie* placing the application in condition for allowance, a Notice of Appeal, or an RCE (with fee and submission under 37 C.F.R. §1.114). (See: MPEP §711.03(c).)

[2] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

[3] 35 U.S.C. §133 provides:

35 U.S.C. §133 Time for prosecuting application.
Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Commissioner in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable.

As to Allegations of
Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

It appears that the requirements under 37 C.F.R. §1.137(b) have been satisfied.

CONCLUSION

Accordingly, the petition under 37 C.F.R. §1.137(b) is **granted**.

The instant application is released to the Technology Center/AU 1792 for further processing in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the TC/AU in response to this decision. It is noted that all inquiries with regard to that change in status need be directed to the TC/AU where that change of status must be effected—that does not occur in the Office of Petitions.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[5]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

---

[4] Therefore, by example, an unintentional delay in the reply might occur if the reply and transmittal form are to be prepared for shipment by the US Postal Service, but other pressing matters distract one's attention and the mail is not timely deposited for shipment.

[5] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

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ROBERT D. SHEDD
THOMSON LICENSING LLC
PO BOX 5312
PRINCETON, NJ 08543-5312

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OFFICE OF PETITIONS

ON PETITION

In re Application of
Steven Anthony Barron
Application No. 10/925,233
Filed: August 24, 2004
Attorney Docket No.: PA030019

This is a decision on the petition under 37 CFR 1.137(b) to revive the above-identified application, filed January 22, 2009.

The petition is GRANTED.

This application became abandoned for failure to timely pay the issue fees on or before December 19, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed September 19, 2008. A Notice of Abandonment was mailed on January 12, 2009. In response, on January 22, 2009, the present petition was filed.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. However, in accordance with 37 CFR 1.34(a), the signature of Reitseng Lin appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1,510 and the publication fee of $300, (2) the petition fee of $1,620; and (3) an adequate statement of unintentional delay[1].

The application is being referred to the Office of Data Management 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 as a patent 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. While the statement is not made by an attorney of record, 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.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP
2101 L STREET, NW
WASHINGTON DC 20037

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OFFICE OF PETITIONS

In re Application of Nejad et al. Application No. 10/925,243 Filed: August 25, 2004 Attorney Docket No. M4065.0509/P509A Title of Invention: COLUMNAR 1T-NMEMORY CELL STRUCTURE AND ITS METHOD OF FORMATION AND OPERATION	DECISION DISMISSING PETITION

This is a decision on the petition filed December 20, 2004, requesting in effect, that a Notice of Omitted Parts in a Nonprovisional Application ("Notice") mailed April 21, 2004, be withdrawn.

The petition is dismissed.

The application was filed on August 25, 2004. However, on October 20, 2004, the Office of Initial Patent Examination (OIPE) mailed a Notice of Omitted Items in a Nonprovisional Application"Notice" stating that the application had been accorded a filing date of August 25, 2004 and advising applicant that figure 5 as described in the specification appeared to have been omitted.

In response, on December 20, 2004, applicant filed the present petition and a copy of applicants' postcard receipt acknowledging receipt of nine sheets of drawings (7 drawings) on August 25, 2004. Additionally, applicant submitted a copy of figure 5. Petitioner argues figure 5 was submitted on August 25, 2004.

A review of the record shows that nine sheets (9) sheets of drawings were filed on August 25, 2004 and are presently in the file. Thus the file shows no sheets of drawings containing figure 5 were filed on August 25, 2004.

It is noted that the postcard refers to nine (9) sheets of drawings but the official record clearly shows that the 9 sheets of drawings did not contain figure 5. Assuming arguendo that applicant's postcard receipt could be said to constitute *prima facie* evidence that figure 5 was received in the Office on August

25, 2004, the evidence is rebuttable, not conclusive. In this case the evidence is rebutted by the fact that applicant has submitted one sheet of drawing which was not present on August 25, 2004. The facts and evidence at hand rebut the postcard receipt to the extent that figure 5 was not submitted.

In the alternative petitioner argues that the above-identified application is a continuation application and the entire disclosure of the parent application 10/214,167 was incorporated by reference in the transmittal sheet and the specification.

Petitioner may submit figure 5 as described in the specification in the form of an Amendment. Additional drawings may be entered by the primary examiner without a petition so long as the pages contain no new matter. MPEP 201.06 (c) states that:

> ... an applicant may incorporate by reference the prior application by including, in the application-as-filed, a statement that such specifically enumerated prior application or applications are "hereby incorporated herein by reference." The statement may appear in the specification or in the application transmittal letter. The inclusion of this incorporation by reference of the prior application(s) will permit an applicant to amend the continuing application to include any subject matter in such prior application(s), <u>without the need for a petition</u>. (emphasis supplied)

Figure 5 as described in the specification will not be new matter if it is part of the disclosure of prior application no. 10/214,167 from which the present application incorporates by reference. As set forth in MPEP 201.06 (c)the incorporation by reference of a prior application permits an applicant to amend the application without the need for a petition. Accordingly, applicant may file an Amendment requesting the entry of figure 5. If the request for entry of figure 5 is filed as an amendment, it will be reviewed for new matter.

The drawing containing figure 5 submitted on December 20, 2004 will <u>not</u> be entered.

Deposit account 04-1073 is being charged the $400.00 petition fee.

The application will be returned to the Office of Initial Patent Examination for further processing with a **<u>filing date of August 25, 2004</u>**, using the 9 sheets of drawings supplied on August 25, 2004.

Any inquiries related to this decision should be directed to the undersigned at (571) 272-3215.

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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GERALD T. SHEKLETON
WELSH & KATZ
22ND FLOOR
120 S. RIVERSIDE PLAZA
CHICAGO, IL 60606

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OFFICE OF PETITIONS

In re Application of	:	
Robert George Brown et al	:	
Application No.10/925,269	:	ON PETITION
Filed: August 24, 2004	:	
Attorney Docket No. 7026/92729	:	

This is a decision on the petition under 37 CFR 1.182, filed on August 18, 2005, to change the name of the co-inventor for the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition". This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Petitioner indicates the change is being made to correct one of the named inventors' first name. However on petition, petitioner has supplied two completely different names. The name currently of record is "William Pohajdak". Petitioner now request that the second inventor's name be changed to "Bill Pohajdak". Petitioner has failed to provide any evidence that such a change is warranted. To the extent the name change is not due to a court order, petitioner should provide a statement from Mr. Pohajdak.

Pursuant to MPEP 605.04(c) to effectuate a name change of an inventor petitioner must submit an affidavit signed with both names and setting forth the procedure whereby the change of name was effected, or a certified copy of the court order must be provided.

Further correspondence with respect to this matter should be addressed as follows:

By mail:	Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
By facsimile:	(571) 273-8300
By delivery service: (FedEx, UPS, DHL, etc.)	U.S. Patent and Trademark Office Customer Service Window, Randolph Building 401 Dulany Street Alexandria, VA 22314

Telephone inquiries concerning this matter may be directed to the undersigned at 571.272-3220.

Wan Laymon

Wan Laymon
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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WELSH & KATZ
22ND FLOOR
120 S RIVERSIDE PLAZA
CHICAGO, IL 60606

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NOV 30 2005

OFFICE OF PETITIONS

In re Application of	:	
Robert George Brown	:	
Application No. 10/925,269	:	ON PETITION
Filed: August 24, 2004	:	
Attorney Docket No. 7026/92729	:	

This is a corrected decision on the petition under 37 CFR 1.182, filed August 18, 2005, to change the name of an inventor. The decision dismissing the instant petition mailed on September 29, 2005 is vacated.

The petition is **GRANTED**.

The name of the inventor has been changed from William Pohajdak to **Bill Pohajdak**.

A copy of the corrected filing receipt is enclosed.

This matter is being referred to Technology Center AU 1645 for examination in due course.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272- 3220

Wan Laymon
Petitions Examiner
Office of Petitions

Enclosure: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL, MN 55133-3427

Mail Date: 04/20/2010

Applicant	: Stephen A. Miller	: DECISION ON REQUEST FOR
Patent Number	: 7665256	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/925,271	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/24/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1209** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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P.O. Box 1450
Alexandria, VA 22313-1450
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EPSTEIN DRANGEL BAZERMAN & JAMES, LLP
60 EAST 42ND STREET
SUITE 820
NEW YORK, NY 10165

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JUL 1 5 2008

OFFICE OF PETITIONS

In re Application of	:	
Donald Nevin	:	
Application No. 10/925,298	:	ON PETITION
Filed: August 23, 2004	:	
Attorney Docket No. BUF-9-1714-110	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 4, 2008, to revive the above-identified application.

The petition is **DISMISSED** as moot.

The record shows that a Notice of Noncompliant Amendment was mailed on December 28, 2007, which set a one month shortened statutory period for reply. Accordingly, a reply was due on or before January 28, 2008, or on or before January 29, 2008 with the submission of an extension of time fee pursuant to the provisions of 37 CFR 1.136(a). Since petitioner may obtain an extension of time up to an including June 28, 2008, this case is not in fact abandoned. Accordingly, the filing of a petition to revive is inappropriate until the maximum extendable period for reply has expired.

In view of the above, the $770 petition fee submitted will be refunded to petitioner's credit card in due course.

Inquiries concerning this decision may be directed to undersigned at (571) 272-1642.

This application is being referred to Technology Center Art Unit 1797 for further action as the nature of the case may require.

April M. Wise
Petitions Examiner
Office of Petitions

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1832 N. CASCADE AVE.
COLORADO SPRINGS, CO 80907-7449

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OFFICE OF PETITIONS

In re Application of :
Imran Qureshi, et al. :
Application No. 10/925,307 :
Filed: August 24, 2004 :
Attorney Docket No.: CNTR.2196-CP1 :

ON PETITION

This is a decision on the petition, filed September 18, 2006, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on August 25, 2006, in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance. [1]

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

This matter is being referred to Technology Center AU 2819 for processing of the request for continued examination under 37 CFR 1.114 filed September 20, 2006 and for consideration of the Information Disclosure Statement filed September 18, 2006.

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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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Date : September 20, 2006

TO : Director, Office of Patent Publication

FROM : Office of the Deputy Commissioner for Patent Examination Policy

SUBJECT : Withdrawal from Issue of

Applicant(s) : Imran Qureshi, et al.
Application No. : 10/925,307
Filed : August 24, 2004

The above-identified application has been assigned Patent No. 7,119,581 and an issue date of October 10, 2006.

It is hereby directed that this application be withdrawn from issue at the request of the applicant.

Do not refund the issue fee.

The following erratum should be published in the Official Gazette if the above-identified application is published in the OG of October 10, 2006:

> "All reference to Patent No. 7,119,581 to IMRAN QURESHI, ET AL. of TEXAS for DYNAMIC LOGIC REGISTER appearing in the Official Gazette of October 10, 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

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United States Patent and Trademark Office
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Patrick W. Rasche
Armstrong Teasdale LLP
Suite 2600
One Metropolitan Square
St. Louis, MO 63102

Mail Date: 04/21/2010

Applicant	: Jianying Li	: DECISION ON REQUEST FOR
Patent Number	: 7609870	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/925,317	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/24/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1464** 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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701 E. JOPPA RD.
TOWSON, MD 21286

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OFFICE OF PETITIONS

In re Application of	:	
WALKER et al	:	
Application No.: 10/925,319	:	DECISION ON PETITION
Filing Date: August 24, 2004	:	UNDER 37 CFR 1.137(B)
Attorney Docket No.: P-US-CS 1171	:	

This is a decision on the petition under 37 CFR 1.137(b), filed December 1, 2006, to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to submit the issue fee and publication fee in a timely manner in reply to the Notice of Allowance mailed June 28, 2006, which set a statutory period for reply of three (3) months. Accordingly, by operation of law, the above-identified application became abandoned on September 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 fee and publication fee; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the payment of the issue fee and publication fee is accepted as having been unintentionally delayed.

This application is being referred to the Office of Publications.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3303.

BryanLin

Bryan Lin
Legal Examiner
Office of the Deputy Commissioner
for Patent Examination Policy

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OFFICE OF PETITIONS

In re Application of
Mark E. MCDONALD
Application No. 10/925,321
Filed: August 23, 2004
Attorney Docket No. 42P18535

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 19, 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 July 19, 2007, as required by the Notice of Allowance and Fee(s) Due, mailed April 19, 2007. Accordingly, the date of abandonment of this application is July 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 $1440 and the publication fee of $300, (2) the petition fee of $1540; and (3) a proper statement of unintentional delay.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. 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 Quyen Leung at (571) 272-6051, or in her absence, the undersigned at (571) 272-7099.

This application is being referred to Publishing Division for processing into a patent.

for David A. Bucci
Petitions Examiner
Office of Petitions

cc: KEVIN A. REIF
4040 Lafayette Center Dr
Chantilly, VA 20151

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 11/15/09

TO SPE OF : ART UNIT 1625

SUBJECT : Request for Certificate of Correction for Appl. No 10/925,329 : 7,449447

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)

Should the change(s) Be made?

RoChaun Johnson
Certificates of Correction Branch
571 272-0470

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: _____

CHARANJIT S. AWLAKH
PRIMARY EXAMINER

SPE

1625
Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20070618

DATE : June 19, 2007

TO SPE OF : ART UNIT 2829

SUBJECT : Request for Certificate of Correction on Patent No.: 7,145,323

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:

Ha Nguyen

SPE: Ha Nguyen **Art Unit** 2829

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OFFICE OF PETITIONS

SCHMEISER, OLSEN & WATTS
22 CENTURY HILL DRIVE
SUITE 302
LATHAM NY 12110

In re Application of	:	
Matthew C. BOVELL, et al	:	
Application No. 10/925,338	:	DECISION ON PETITION
Filed: August 24, 2004	:	
Attorney Docket No. END920040047US1	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 2, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Office Communication mailed, September 30, 2008, which set a reply of one (1) month. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned 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 $1620; and (3) the required 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 $130 extension of time fee submitted with the petition on March 2, 2010, was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's Deposit Account No. 09-0457.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

This application is being referred to Technology Center AU 2446 for appropriate action by the Examiner.

/dcg/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

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575 MARKET STREET SUITE 2500
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OFFICE OF PETITIONS

In re Application of	:	
Roger STRINGHAM	:	
Application No. 10/925,347	:	DECISION ON PETITION
Filed: August 23, 2004	:	
Attorney Docket No. **FSGT-01007US1**	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 19, 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-Responsive Amendment mailed, August 14, 2007, which set a shortened statutory period for reply of one (1) month. No extensions of time under the provisions of 37 CFR 1.136(a) were timely obtained. Accordingly, the application became abandoned on September 15, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $770, and (3) a proper statement of unintentional delay. Accordingly, the reply to the Notice of Non-Responsive Amendment of August 14, 2007 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). Since the $510 extension of time fee submitted with the petition on June 19, 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.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at (571) 272-2783.

This application is being referred to Technology Center AU 3663 for appropriate action on the concurrently filed amendment.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

In re Application of
Abe
Application No. 10/925,408
Filed: 8/24/04
Attorney Docket No. 9333/396

: DECISION GRANTING LETTER

This decision is in response to Patentees's 'REQUEST FOR REVIEW OF THE PATENT TERM ADJUSTMENT" filed on July 10, 2007requesting that the USPTO review the PTA determination at the time of the issuance of the patent and determine if the USPTO granted too many days of PTA (409 days). The Office thanks patentees for the good faith and candor in bringing this matter to the attention of the Office

Patentee's letter concerning PTA is **GRANTED.** The Office will adjust the PTA calculation at the time of the mailing of the notice of allowance to reflect a determination of **381 days** of PTA. A copy of the adjusted PTA calculation is provided with this determination.

Patentees are given THIRTY days to reply if applicants disagree with this decision. No extensions of time are available under 37 CFR 1.136.

Applicant asserts that the USPTO may have granted too much PTA at the time of the notice of allowance. Applicants did not expressly assert why the delay was too many days.

A review of the record reflects that applicant is correct that the 409 days of PTA was not correct. The Office failed to reduce the PTA for the submission of the IDS on March 21, 2007, a twenty-one day delay pursuant to 37 CFR 1.704(c)(8).[1] The Office delayed under 37 CFR 1.702(a)(1) by a period of 409 days and applicant delayed under 37 CFR 1.704(c)(8) by a period of 28 days. Accordingly, the correct amount of PTA is (409-28=381) **381** days at the time of the mailing of the notice of allowance.

Any delays by the Office pursuant to 37 CFR 1.702(a)(4) or 1.702(b) will be added to the determination at the time of the issuance of the patent and will be reflected in the issue notification letter that is mailed to applicant approximately three weeks prior to the issue date. If applicants want to contest the determinations of PTA for 37 CFR 1.702(a)(4) or 1.702(b) applicants have two months after the patent issues to file such petition under 37 CFR 1.705(d).

---

[1]The reduction began on March 1, 2007and ended on March 21, 2007, the date of the submission of a supplemental paper, IDS. The records does not reflect any statement under 37 CFR 1.704(d) and accordingly a reduction pursuant to 37 CFR 1.704(c)(8) should have been assessed.

After the mailing of this decision, the Office will forward this application to the Office of Patent Publications for a prompt issuance of the patent.

Because applicants were providing good faith and candor notice as to the amount of PTA, no fee is being assessed.

Any questions concerning this decision should be directed to Kery Fries, Office of Patent Legal Administration, Office of Deputy Commissioner for Patent Examination Policy, at 571-272-7757.

Kery A. Fries

Kery A. Fries
Senior Legal Advisor,
Office of Patent Legal Administration
Office of Deputy Commissioner
For Patent Examination Policy

cc: Adjusted PAIR calculation

Day : Saturday
Date: 9/15/2007

PALM INTRANET

Time: 11:25:41

PTA Calculations for Application: 10/925408			
Application Filing Date:	08/25/2004	PTO Delay (PTO):	409
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	0
Post-Issue Petitions:	0	Total PTA (days):	381
PTO Delay Adjustment:	-28		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
54	09/15/2007	ADJUSTMENT OF PTA CALCULATION BY PTO		28	
37	04/10/2007	MAIL NOTICE OF ALLOWANCE			
36	04/06/2007	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
35	03/21/2007	REFERENCE CAPTURE ON IDS			
34	03/21/2007	ELECTRONIC INFORMATION DISCLOSURE STATEMENT			
33	03/20/2007	ISSUE REVISION COMPLETED			
32	03/21/2007	ALLOWED CASE RETURNED TO THE EXAMINER FOR CLERICAL PROCESSING			
31	03/20/2007	DOCUMENT VERIFICATION			
30	03/16/2007	NOTICE OF ALLOWABILITY			
29	02/21/2007	NEW OR ADDITIONAL DRAWING FILED			
28	02/28/2007	DATE FORWARDED TO EXAMINER			
27	02/21/2007	RESPONSE AFTER NON-FINAL ACTION			
26	12/08/2006	MAIL NON-FINAL REJECTION	409		-1
25	12/06/2006	NON-FINAL REJECTION			
24	10/19/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
23	08/25/2004	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
22	11/06/2006	CASE DOCKETED TO EXAMINER IN GAU			
21	10/19/2006	REFERENCE CAPTURE ON IDS			
20	10/19/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
19	03/22/2006	CASE DOCKETED TO EXAMINER IN GAU			
18	11/02/2005	CASE DOCKETED TO EXAMINER IN GAU			
		IFW TSS PROCESSING BY TECH CENTER			

17	04/24/2005	COMPLETE			
16	04/24/2005	CASE DOCKETED TO EXAMINER IN GAU			
15	08/25/2004	REQUEST FOR FOREIGN PRIORITY (PRIORITY PAPERS MAY BE INCLUDED)			
14	08/25/2004	REFERENCE CAPTURE ON IDS			
13	08/25/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
12	12/29/2004	TRANSFER INQUIRY TO GAU			
11	11/23/2004	APPLICATION RETURN FROM OIPE			
10	11/23/2004	APPLICATION RETURN TO OIPE			
9	11/23/2004	APPLICATION DISPATCHED FROM OIPE			
8	11/23/2004	APPLICATION IS NOW COMPLETE			
7	11/15/2004	ADDITIONAL APPLICATION FILING FEES			
6	11/15/2004	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
5	10/21/2004	NOTICE MAILED--APPLICATION INCOMPLETE--FILING DATE ASSIGNED			
4	10/05/2004	CLEARED BY OIPE CSR			
3	10/05/2004	CASE CLASSIFIED BY OIPE			
2	09/18/2004	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	08/25/2004	INITIAL EXAM TEAM NN			

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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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COLUMBIA MD 21046-9400

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OFFICE OF PETITIONS

In re Application of	:
Merlaud, et al.	:
Application No. 10/925,412	: DECISION ACCORDING STATUS
Filed: August 25, 2004	: UNDER 37 CFR 1.47(b)
Attorney Docket No. 020228EPPCT-US	:

This is in response to the petition under 37 CFR 1.47(b), filed January 24, 2005.

The petition is granted.

Petitioner has shown that the non-signing inventors, Fabien Merlaud, Daniel Le Guen, Bertrand Le Guyader, and Christophe Meyer, have constructively refused to join in the filing of the above-identified application after having been presented with the application papers. Specifically, the affidavit of Intellectual Property Administrator Melinda R. Salin establishes that the inventors were mailed the application papers, including the specification, claims and drawings, but they would not sign the declaration unless they received additional compensation. In addition, petitioner has shown that Broadwing Corporation has a proprietary interest in the above-identified application with the memorandum of law stating that under French law, that inventions made by an employee shall belong to the employer if the invention is made under a working contract that comprises a mission to invent and that the inventors ackowledged the fact that the invention and all the corresponding rights, including the rights to the invention for the United States, belonged to their employer. Copies of the French language working contracts between the inventors and the subsidiary to Broadwing Corporation were filed with the petition. Lastly, petitioner has submitted a declaration in compliance with 37 CFR 1.63 and 1.64 and petitioner has shown that such action is necessary to prevent irreparable damage.

This application and papers have been reviewed and found in compliance with 37 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.

Regarding finances, the petition fee for filing a Rule 47 petition is $200.00. Petitioner's deposit account was erroneously charged $400.00. Pursuant to petitioner's authorization, deposit account no. 50-3198 will be credited $200.00.

After this decision is mailed, the above-identified application will be forwarded Technology Center 2633 for examination in due course.

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

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ROPES & GRAY LLP
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NEW YORK NY 10020-1105

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OFFICE OF PETITIONS

In re Application of
Kownacki, et al.
Application No. 10/925,416
Filed: August 24, 2004
Attorney Docket No.: CF-92
For: SYSTEMS AND METHODS FOR HEDGING AGAINST RISKS ASSOCIATED WITH DISTRESSED INSTRUMENTS

DECISION REFUSING STATUS UNDER 37 CFR 1.47(a)

This is a decision on the petition under 37 CFR 1.47(a), filed August 1, 2005.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)" and may include an oath or declaration executed by the inventor. **Failure to respond will result in abandonment of the application.**

The above-identified application was filed on August 24, 2004 without an executed oath or declaration. Accordingly, on January 14, 2005, a "Notice to File Missing Parts of Nonprovisional Application" (Notice) was mailed, requiring an executed oath or declaration and a surcharge for its late filing.

In response, on August 1, 2005, a petition for a five month extension of time and required fee, a declaration executed by 1 of 2 joint inventors, the surcharge, the petition fee, and the instant petition were filed. The petition is accompanied by a copy of an April 5, 2005 letter that requested Michael Kownacki execute and return the enclosed declaration. Attorney Joel Weiss explains that Mr. Kownacki did not return two telephone messages.

A grantable petition under 37 CFR 1.47(a) requires

(1) a petition including proof of the pertinent facts establishing that the joint inventor(s) refuses to join, or cannot be found or reached after diligent effort,
(2) a proper oath or Declaration executed by the available joint inventor(s),
(3) the fee of $200, and
(4) the last known address of the omitted inventor(s).

This petition lacks item (1) above.

As to item (1), Applicant has failed to establish that the inventor has constructively refused to sign the declaration. The proof of the pertinent events should be made by a statement of someone with first hand knowledge of the events. The Office requires that the non-signing inventor be

provided with a complete copy of the application as filed. This includes the specification with claims, drawings, if any, and a declaration. See MPEP 409.03(d). The petition and accompanying exhibits do not establish that a complete copy of the application was mailed to Mr. Kownacki.

Mr. Kownacki must have the complete application in his possession in order to make an informed decision as to whether he joins in its filing. When petitioner can show that Mr. Kownacki was successfully mailed or received the complete application and that he either refused to sign the declaration or would not respond to the request that he sign the declaration, petitioner will have satisfied this requirement.

Mr. Kownacki cannot make the necessary statements found in the declaration-- i.e. "I have reviewed and understand..." -- without having examined the patent application.

Petitioner must send Mr. Kownacki a copy of the as filed above-identified application and request that the sign the declaration.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By FAX: (571) 273-8300 - ATTN: Office of Petitions

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

E. Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FISH & NEAVE IP GROUP
ROPES & GRAY LLP
1251 AVENUE OF THE AMERICAS FL C3
NEW YORK NY 10020-1105

COPY MAILED

NOV 16 2005

OFFICE OF PETITIONS

In re Application of
Kownacki, et al.
Application No. 10/925,416
Filed: August 24, 2004
Attorney Docket No.: CF-92
For: SYSTEMS AND METHODS FOR HEDGING AGAINST RISKS ASSOCIATED WITH DISTRESSED INSTRUMENTS

DECISION ACCORDING STATUS UNDER 37 CFR 1.47(a)

This is a decision on the reconsideration petition under 37 CFR 1.47(a), filed October 24, 2005.

The petition is **GRANTED**.

Petitioner has shown that the non-signing inventor, Michael Kownacki, has constructively refused to join in the filing of the above-identified application after having been presented with the application papers. Specifically, Attorney Joel Weiss states in the reconsideration petition that the inventor was successfully mailed the application papers, including the specification, claims and drawings, but he failed to respond to the request that he sign the declaration. Petitioner has submitted a declaration in compliance with 37 CFR 1.63 and 1.64.

This application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

After this decision is mailed, the above-identified application will be forwarded Technology Center GAU 3624 for examination in due course.

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

E. Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MICHAEL KOWNACKI
2215 HILLTOP ROAD
MAHWAH, NJ 07430

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NOV 16 2005

LETTER OFFICE OF PETITIONS

In re Application of
Kownacki, et al.
Application No. 10/925,416
Filed: August 24, 2004
Attorney Docket No.: CF-92
For: SYSTEMS AND METHODS FOR HEDGING AGAINST RISKS ASSOCIATED WITH DISTRESSED INSTRUMENTS

Dear Mr. Kownacki:

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: FISH & NEAVE IP GROUP
ROPES & GRAY LLP
1251 AVENUE OF THE AMERICAS FL C3
NEW YORK NY 10020-1105

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ROPES & GRAY LLP
PATENT DOCKETING 39/361
1211 AVENUE OF THE AMERICAS
NEW YORK, NY 10036-8704

COPY MAILED

MAY 0 9 2008

OFFICE OF PETITIONS

In re Application of
KOWNACKI, Michael et al.
Application No. 10/925,416
Filed: August 24, 2004
Attorney Docket No. 03-1092

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 19, 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 ROPES & GRAY LLP has been revoked by the assignee of the patent application on April 25, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

Tredelle D. Jackson
Petitions Examiner
Office of Petitions

cc: **DEAN P. ALDERUCCI**
CANTOR FITZGERALD, L.P.
110 EAST 59TH STREET (6TH FLOOR)
NEW YORK NY 10022

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

KEATING & BENNETT LLP
10400 EATON PLACE, SUITE 312
FAIRFAX, VA 22030

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MAR 2 2 2005

OFFICE OF PETITIONS

In re Application of :
Toshiaki Takada et al :
Application No. 10/925,418 :
Filed: August 25, 2004 :
Attorney Docket No. 36856.1276

ON PETITION

This is a decision on the petition, filed March 21, 2005, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on March 10, 2005 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter will be forwarded to Technology Center AU 2874 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

Irvin Dingle
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

---

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SEP 23 2005

MAYER, BROWN, ROWE & MAW LLP
P.O. BOX 2828
CHICAGO IL 60690-2828

In re Application of	:
Robert E. Dudley et al	:
Serial No.: 10/925,421	: SUSPENSION OF ACTION
Filed: August 24, 2004	:
Attorney Docket No.: 04318287	:

This is in reply to the petition under 37 CFR 1.103 to suspend action on this application at applicant's request for a period of six months, filed September 13, 2005.

A review of the file history shows that this is an unexamined application. Applicants request that action on this application be suspended for six months in view of pending litigation.

§ 1.103 Suspension of action by the Office.

(a) Suspension for cause . On request of the applicant, the Office may grant a suspension of action by the Office under this paragraph for good and sufficient cause. The Office will not suspend action if a reply by applicant to an Office action is outstanding. Any petition for suspension of action under this paragraph must specify a period of suspension not exceeding six months. Any petition for suspension of action under this paragraph must also include:
(1) A showing of good and sufficient cause for suspension of action; and
(2) The fee set forth in § 1.17(g), unless such cause is the fault of the Office.

Applicants' petition requests suspension in view of litigation pending in the District Court in Georgia involving two cases. No indication is given as to when the cases were filed, their status or approximate date of decision or resolution nor how any decision would affect prosecution or patentability in this application. Further it is not the general practice of the Office to suspend prosecution in unexamined applications except in extraordinary circumstances. None have been set forth in the petition. In summary, no showing of good or sufficient cause has been made.

In view of the above reason the petition is **DENIED**.

The application will be forwarded to the examiner for initial examination in turn.

Should there be any questions with respect to this action, please contact William R. Dixon, Jr., by mail addressed to: Director, Technology Center 1600, P. O. BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at 571-272-0519 or by facsimile transmission at the Office general facsimile number, 571-273-8300.

Bruce M. Kisliuk
Director, Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

EGBERT LAW OFFICES
412 MAIN STREET, 7TH FLOOR
HOUSTON TX 77002

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JAN 3 1 2007

OFFICE OF PETITIONS

In re Patent No. 7,163,902	:	
Issue Date: January 16, 2007	:	
Application No. 10/925,437	:	NOTICE
Filed: August 25, 2004	:	
Attorney Docket No. 1970-21	:	

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.

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

KLARQUIST SPARKMAN LLP
121 S.W. SALMON STREET, SUITE 1600
PORTLAND, OR 97204

MAILED

MAR 29 2010

OFFICE OF PETITIONS

In re Application of :
Michael MILIRUD, et *al.* :
Application No. 10/925,445 : DECISION GRANTING PETITION
Filed: August 24, 2004 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **3382-68010-04** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed March 26, 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 26, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 2629 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

---

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WORKMAN NYDEGGER
(F/K/A WORKMAN NYDEGGER & SEELEY)
60 EAST SOUTH TEMPLE
1000 EAGLE GATE TOWER
SALT LAKE CITY, UT 84111

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FEB 17 2006

OFFICE OF PETITIONS

In re Application of	:	
Mark S. Allen	:	
Application No. 10/925,470	:	DECISION ON PETITION
Filed: August 25, 2004	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 15717.3.1	:	37 CFR 1.102(d)

This is a decision on the petition under 37 CFR §1.102(d), filed January 4, 2005, to make the above-identified application special based on actual infringement as set forth in M.P.E.P. § 708.02, Section II.

The petition is **DISMISSED.**

A grantable petition to make an application special under 37 CFR §1.102(d) and MPEP §708.02, Section II: Infringement, must be accompanied by the required fee pursuant to 37 CFR 1.17(h) and a statement by the applicant, assignee, or attorney/agent registered to practice before the office alleging:

> (A) That there is an infringing device or product actually on the market or method in use;
>
> (B) That a rigid comparison of the alleged infringing device, product, or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed; and
>
> (C) That he or she has made or caused to be made a careful and thorough search of the prior art or has a good knowledge of the pertinent prior art.
>
> Applicant must provide one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record.

The instant petition lacks item (C) above. Petitioner states he "has not uncovered any reference which is material to patentability of the claims." Does this statement mean applicant has not provided the Office with a copy of each reference deemed most closely related to the subject matter

encompassed by the claims because the petitioner knows of none? Please clarify for the 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

By FAX: (571) 273-8300

Telephone inquiries concerning this decision should be directed to Wan Laymon at 571-272-3220.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 1714 for action in its regular turn.

Denise Pothier for

Amelia Au
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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(F/K/A WORKMAN NYDEGGER & SEELEY)
60 EAST SOUTH TEMPLE
1000 EAGLE GATE TOWER
SALT LAKE CITY UT 84111

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JUL 2 4 2006

OFFICE OF PETITIONS

In re Application of	:	
Allen, Mark S.	:	
Application No. 10/925,470	:	ON PETITION
Filed: August 25, 2004	:	
Attorney Docket No. 15717.3.1	:	

This is a decision on the renewed petition under 37 CFR §1.102(d), filed May 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 1714 for expedited prosecution.

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
www.uspto.gov

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS, MN 55402

Mail Date: 06/25/2010

Applicant	: Joseph M. Pastore	: DECISION ON REQUEST FOR
Patent Number	: 7621906	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 10/925,508	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/25/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **466** 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

Advantedge Law Group, LLC
3301 N. University Avenue
Suite 200
Provo, UT 84604

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MAR 26 2008

In re Application of	:	
Todd K. Whitehurst et al.	:	
Application No. 10/925,519	:	DECISION ON PETITION
Filed: August 24, 2004	:	TO WITHDRAW
Attorney Docket No. 3013-0148 (05-00569-03)	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 11, 2008.

The request is **NOT APPROVED**.

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 reason set forth in the request, "ownership transfer . . .," does not meet any of the conditions set forth in 37 CFR 10.40.

A courtesy copy of this decision is being mailed to applicant, since no assignee has properly intervened in this application.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

A non-final rejection was mailed on March 18, 2008. Failure to timely respond will result in the abandonment of this application.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272- 4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Todd K. Whitehurst
28602 North Natalie Lane
Santa Clarita, CA 91390

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APR 14 2009

OFFICE OF PETITIONS

Paper No.

OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON TX 77010

In re Application of Jeffrey A. Spray Application No. 10/925,521 Filed: August 25, 2004 Attorney Docket Number: 796.05 Title: EXPANDABLE TUBULARS FOR USE IN GEOLOGIC STRUCTURES, METHODS FOR EXPANDING TUBULARS, AND METHODS OF MANUFACTURING EXPANDABLE TUBULARS	DECISION ON PETITION PURSUANT TO 37 C.F.R. § 1.137(B)

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed August 25, 2008, on 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 reply in a timely manner to the non-final Office action, mailed October 18, 2007, which set a shortened statutory period for reply of three months. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on January 19, 2008. A notice of abandonment was mailed on June 25, 2008.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed;
(2) The petition fee as set forth in 37 C.F.R. § 1.17(m);
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
(4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

With this petition, Petitioner has submitted the petition fee, an amendment, and the proper statement of unintentional delay.

The first three requirements of Rule 1.137(b) have been met. The fourth requirement of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.[1]

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the amendment that was received on August 25, 2008 can be processed.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the revival has been acknowledged by the Technology Center in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to the Technology Center where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

It is noted that the address listed on the petition differs from the address of record. The application file does not indicate a change of correspondence address has been filed in this case, although the address given on the petition differs from the address of record. If Petitioner desires to receive future correspondence regarding this application, the change of correspondence address must be submitted. A courtesy copy of

1 See Rule 1.137(d).

this decision will be mailed to Petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary. Petitioner will not receive future correspondence related to this application unless Change of Correspondence Address, Patent Form (PTO/SB/122) is submitted for the above-identified application. For Petitioner's convenience, a blank Change of Correspondence Address, Patent Form (PTO/SB/122), may be found at http://www.uspto.gov/web/forms/sb0122.pdf.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.[2] All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

CC: OSHA LIANG LLP
1221 MCKINNEY STREET
SUITE 2800
HOUSTON TX 77010

---

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).

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 11-4-08

TO SPE OF : ART UNIT 2627

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/925564 Patent No.: 7414810

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: _____

/Andrea Wellington/ SPE, 2627

SPE **Art Unit**

OK TO ENTER: /J.A.W./
11/12/2008

2803.71379 PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re U.S. Patent Application of:		)
Applicant(s):	Kenichiro Aoki	)
Serial No.:	10/925,564	)
Patent No:	7,414,810	)
Conf No.:	8067	)
Filed:	August 25, 2004	)
Issued:	August 19, 2008	)
For:	MAGNETIC HEAD STRUCTURE WITH INSULATING LAYER CONFIGURED TO REDUCE THERMAL DEFORMATION OF FLOATING SURFACE TOWARDS DISK	)
Art Unit:	2627	)
Examiner:	Watko, Julie Anne	)

REQUEST FOR CERTIFICATE OF CORRECTION UNDER RULE 322

Certificate of Corrections Branch
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 C.F.R. § 1.322, patentees, through their attorneys, respectfully request that a Certificate of Correction be issued in the above-referenced patent.

The error occurred as a result of a mistake on the part of the Patent and Trademark Office and the change includes the following:

On the Face of the Patent:

In the first column, No. (75) Inventors: please delete the following inventor:

Hiroshi Maeda, Kawasaki (JP)

REMARKS

Patentees hereby request a Certificate of Correction to delete the inventor, "Hiroshi Maeda, Kawasaki (JP)" as shown in the Amendment for Correction of Inventorship under 37 C.F.R. § 1.48(b) filed with the U. S. Patent and Trademark Office on January 22, 2007 (copy enclosed). A Certificate of Correction Form 1050 incorporating the delineated change is enclosed in duplicate herewith. Since the mistake was on the part of the Patent and Trademark Office, a Certificate of Correction should be issued without expense to the patentees and such is respectfully requested.

Respectfully submitted,

GREER, BURNS & CRAIN, LTD.

By

James K. Folker
Registration No. 37,538

Customer No. 24978

October 22, 2008
300 South Wacker Drive
Suite 2500
Chicago, Illinois 60606
Telephone: 312.360.0080
Facsimile: 312.360.9315
P:\docs\2803\71379\DK3631.DOC

2803.71379

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Kenichiro Aoki
Serial No.:	10/925,564
Conf. No.:	8067
Filed:	08/25/2004
For:	MAGNETIC HEAD STRUCTURE WITH ENLARGED INSULATING LAYER
Art Unit:	2627
Examiner:	Watko, Julie Anne

I hereby certify that this paper is being deposited with the United States Postal Service as FIRST-CLASS mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this date.

22 Jan 07

Date

Registration No. 29,367
Attorney for Applicant(s)

COPY

AMENDMENT FOR CORRECTION OF
INVENTORSHIP UNDER 37 C.F.R. § 1.48(b)

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The above-named application has been subject to an election/restriction requirement mailed December 22, 2006. In response to this requirement, applicants elected Species A, claims 1-3, without traverse. Claims 4-10 have been cancelled.

With the cancellation of claims 4-10, a change of inventorship is necessary. One of the joint inventors did not contribute to the subject matter of now pending claims. Accordingly, applicants request that the name of Hiroshi MAEDA be deleted as a joint inventor, as this inventor's contributions are no longer being claimed in the above-named application.

Therefore, the only remaining inventors in the above-named application are Kenichiro AOKI, Toshinori HOSHINO, Toshiyuki NAKADA and Keiji ARUGA.

In fulfillment of the requirements of 37 C.F.R. § 1.48, a check for $130.00, the fee set forth in 37 C.F.R. § 1.17(h), is also enclosed herein.

Applicants respectfully request entry of this Amendment for Correction of Inventorship because the proper procedures required under 37 C.F.R. § 1.48(b) are believed to have been followed.

Respectfully submitted,

GREER, BURNS & CRAIN, LTD.

By

Patrick G. Burns
Registration No. 29,367

COPY

January 22, 2007

300 South Wacker Drive
Suite 2500
Chicago, Illinois 60606
Telephone: 312.360.0080
Facsimile: 312.360.9315

Customer No. 24978

PTO/SB/44 (02-01)
Approved for use through 01/31/2004. OMB 0651-0033
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.
(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO : 7,414,810
ISSUED : August 19, 2008
INVENTOR(S) : Aoki et al.

It is certified that an error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the Face of the Patent:

In the first column, No. (75) Inventors: Please delete the following inventor:
Hiroshi Maeda, Kawasaki (JP)

MAILING ADDRESS OF SENDER:
Patrick G. Burns
GREER, BURNS & CRAIN, LTD.
300 South Wacker Drive, 25th Floor
Chicago, IL 60606

PATENT NO 7,414,810

 No. of additional copies 1 2803.71379

Burden Hour Statement: This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comment on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Timothy N. Trop
Trop, Pruner & HU, P.C.
1616 South Voss Road, Suite 750
Houston, Texas 77057-2631

FEB 22 2008

In re Application of Lindert et al. :
Application no. 10/925,566 : DECISION ON PETITION
Filed: August 25, 2004 :
Attorney Docket No: ITL.1156US P19542 :
Title: Forming Abrupt Source Drain Metal Gate Transistors :

In order to invoke the supervisory authority of the Director of the USPTO in the instant application to review the restriction requirement by original presentation mailed February 1, 2007, the petition should have been filed under 37 C.F.R. §1.181 and not 37 C.F.R. § 1002.02 (c) (it should be noted that 37 C.F.R. § 1002.02 (c) is not a viable rule at this time). Also, the petitioner further indicated that the "requirement of the examiner to cancel the claims based upon election by original prosecution [sic] should be reconsidered". The examiner did not cancel any claims in the Office Action mailed February 1, 2007. For the sake of compact prosecution, the petition will be treated as a petition filed under 37 CFR § 1.181. The petition is before the Director of Technology Center 2800 for review.

The petition to remove the withdrawal of claims 1 to 6 and 8 to 11 due to constructive election by original presentation in the Office Action mailed February 1, 2007 is hereby **GRANTED**.

Upon further review of the amendments made to claims 1 to 6 and 8 to 11 in the petitioner's amendment received August 21, 2006, it has been determined that the amendments did not create an embodiment that was mutually exclusive from the invention in claims 12 to 16.

The application will be remanded back to the Examiner to address the merits of the amendment received August 21, 2006 and claims 1 to 6 and 8 to 16 will be examined.

Any inquiry regarding this decision should be directed to Carl Whitehead, Jr., Supervisory Patent Examiner at (571) 272-1702.

Richard Seidel, Director,
Technology Center 2800 – Semiconductors, Electrical and Optical Systems and Components

Partial of Paper filed 6/20/08

RAYMOND HENLEY III
PRIMARY EXAMINER

13. (Previously Presented) A method of reducing osteolytic activity and bone loss in an individual, comprising identifying an individual in need of reduction of osteolytic activity and bone loss and administering to said individual a pharmacologically effective dose of diferuloylmethane, guggulsterone, 1'-Acetoxychavicol or an analogue thereof, wherein the individual has multiple myeloma, breast cancer, rheumatoid arthritis, or Paget's disease and osteolytic activity and bone loss in the individual is reduced.

14. (Previously Presented) The method of claim 13, wherein said individual is administered diferuloylmethane in a concentration of from about 0.01 mg/kg of said individual's body weight to about 100 mg/kg of said individual's body weight.

15. (Previously Presented) The method of claim 13, wherein said individual is administered guggulsterone in a concentration of from about 0.01 mg/kg of said individual's body weight to about 100 mg/kg of said individual's body weight.

16. (Previously Presented) The method of claim 13, wherein said individual is administered 1'-Acetoxychavicol in a concentration of from about 0.01 mg/kg of said individual's body weight to about 100 mg/kg of said individual's body weight.

17-22. (Canceled)

23. (Previously Presented) The method of claim 7, wherein the individual has multiple myeloma.

24-25. (Canceled)

26. (Previously Presented) The method of claim 7, wherein the individual has Paget's disease.

27. (Previously Presented) The method of claim 7, wherein the individual is administered a pharmacologically effective dose of diferuloylmethane.

28. (Previously Presented) The method of claim 13, wherein the individual has multiple myeloma.

FULBRIGHT & JAWORSKI L.L.P.
A REGISTERED LIMITED LIABILITY PARTNERSHIP
600 CONGRESS AVENUE, SUITE 2400
AUSTIN, TEXAS 78701-2978
WWW.FULBRIGHT.COM

MDELAPAZ@FULBRIGHT.COM
DIRECT DIAL: (512) 536-5639

TELEPHONE: (512) 474-5201
FACSIMILE: (512) 536-4598

January 16, 2009

Commissioner for Patents
Attention: Certificates of Correction Branch
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that this correspondence is being electronically filed with the United States Patent and Trademark Office via EFS-Web on the date below:

January 16, 2009
Date

Monica A. De La Paz

RE: *Request for Certificate of Correction*
Patent No. 7,462,646 Dated: December 9, 2008
Application No. 10/925,608 Confirmation No.: 8294
Entitled: "OSTEOCLASTOGENESIS INHIBITORS AND USES THEREOF" – Bharat B. Aggarwal
Our Ref.: CLFR:243US

Commissioner:

Attached is form PTO-1050. Errors of a minor nature are thereon corrected. The errors are due to Patent Office oversight. A Certificate of Correction is requested under 35 U.S.C. § 254.

It is believed that no fees under 37 C.F.R. §§ 1.16 to 1.21 are occasioned by the filing of this paper; however, should the Commissioner determine otherwise, the Commissioner is hereby authorized to deduct said fees from Fulbright & Jaworski Deposit Account No. 50-1212/CLFR:243US.

Very truly yours,

Monica A. De La Paz, M.D., J.D.

MAD/jst
Attachment

AUSTIN • BEIJING • DALLAS • DENVER • DUBAI • HONG KONG • HOUSTON • LONDON • LOS ANGELES • MINNEAPOLIS
MUNICH • NEW YORK • RIYADH • SAN ANTONIO • ST. LOUIS • WASHINGTON DC

DO NOT Enter
TJ

RAYMOND HENLEY III
PRIMARY EXAMINER

PRINTER'S TRIM LINE

PRINTER'S TRIM LINE

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO.	:	7,462,646
DATED	:	December 9, 2008
INVENTOR(S)	:	Bharat B. AGGARWAL

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

In column 18, line 48, insert the following claims
--17. The method of claim 1, wherein the individual is administered a pharmacologically effective dose of diferuloylmethane or an analogue thereof.

18. The method of claim 1, wherein the individual is administered a pharmacologically effective dose of guggulsterone or an analogue thereof.

19. The method of claim 1, wherein the individual is administered a pharmacologically effective dose of 1'-Acetoxychavicol or an analogue thereof.

20. The method of claim 7, wherein the individual is administered a pharmacologically effective dose of diferuloylmethane or an analogue thereof.

21. The method of claim 7, wherein the individual is administered a pharmacologically effective dose of guggulsterone or an analogue thereof.

22. The method of claim 7, wherein the individual is administered a pharmacologically effective dose of 1'-Acetoxychavicol or an analogue thereof.--.

MAILING ADDRESS OF SENDER:
Monica A. De La Paz
FULBRIGHT & JAWORSKI L.L.P.
600 Congress Ave., Suite 2400
Austin, Texas 78701

PATENT NO.7,462,646
No. of add'l. copies
@ 50¢ per page
⇨ _____

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 1-30-09

TO SPE OF : ART UNIT 1614

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/925608 Patent No.: 7462646

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

Should these claims be entered?

E. Jones
Certificates of Correction Branch
703-308-9390 ext. 124

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 last claim set filed, on 6/20/08, cancelled claims 17-22 (the claims now sought for entry). Thus, the request for these claims to now be entered is denied. The claims should not be entered.

Ardin H. Marschel
ARDIN H. MARSCHEL
SUPERVISORY PATENT EXAMINER
SPE

1614
Art Unit

PTOL-306 (REV. 7/03) U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office

11-6-09

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY OF COMMERCE AND
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

Date:

Patent No.	:	7,462,646
Application No.	:	10/925,608
Issue Date	:	December 9, 2008
Inventor	:	Bharat B. Aggarwal
Title	:	OSTEOCLASTOGENESIS INHIBITORS AND USES THEREOF

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.

Respecting the alleged errors, due to the claims, the last claim set filed, on 6/20/08 cancelled claims 17-22 (the claims now sought for entry). Thus, the request for these claims to now be entered is denied. The claims should not be entered.

In view of the foregoing your request is hereby denied.

Eva James
Mary Diggs
Decisions & Certificates
of Correction Branch
(703) 756-1583 or 1580

Fulbright & Jaworski
600 Congress Aavenue, Suite 2400
Austin, Texas 78701-2978

ej

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

GUERIN & RODRIGUEZ, LLP
5 MOUNT ROYAL AVENUE
MOUNT ROYAL OFFICE PARK
MARLBOROUGH, MA 01752

COPY MAILED

NOV 1 6 2004

OFFICE OF PETITIONS

In re Application of	:	
Leclair, et al.	:	
Application No. 10/925,620	:	ON PETITION
Filed: August 25, 2004	:	
Attorney Docket No. NOR-044	:	

This is a decision on the petition under 37 CFR 1.182, filed September 10, 2004, 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. JEFF LECLAIR
2. CRAIG PARKER
3. TODD WINN
4. MARK KETTLE

This application is being forwarded Technology Center 2100 for examination *in due course*.

Telephone inquiries concerning this matter may be directed to the undersigned at(571)272-3228.

Edward J. Tannouse
Petitions Attorney
Office of Petitions
United States Patent and Trademark Office

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Frederick W. Gibb, III
McGinn & Gibb, PLLC
Suite 304
2568-A Riva Road
Annapolis, MD 21401

Mail Date: 04/21/2010

Applicant	: Prashant Jain	: DECISION ON REQUEST FOR
Patent Number	: 7640532	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/925,630	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/25/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1131** 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

NOV - 8 2004

MAILED

NOV - 8 2004

OFFICE OF THE DIRECTOR
TC 3600

ALVIN S. BLUM
2350 Delmar Place
Fort Lauderdale, FL 33301

In re application of
Alden B. Walrath
Application No. 10/925,677
Filed: August 26, 2004
For: ADJUSTABLE RIFLE SUPPORT

DECISION ON PETITION TO MAKE SPECIAL (APPLICANT'S AGE)

This is a decision on the petition submitted on August 26, 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. Walrath 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

UNITED STATES PATENT and TRADEMARK OFFICE
UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 2023 1
WWW.USPTO.GOV

MAR 16 2005

In re Application of	:	ap
Silvers, Gary M., et al.	:	DECISION
Serial No. 10/925703	:	ON
Filed: August 24, 2004	:	PETITION
For: POLISHING AND BUFFING PAD	:	UNDER 708.02,VIII

This is in response to the petition filed August 24, 2004, requesting that the above-identified application be granted Special Status. The petition has been considered under Section 708.02 (VIII) of the MPEP and 37 CFR 1.102(c) (fee paid).

The petition has been found to be deficient for the following reason: Section 708.02, VIII(C) requires that a pre-examination search be made; this search should cover all areas searchable by the examiner. However, our review shows that Class 428, Subclass 99, Class 442, Subclasses 341, 341, 344, 352, 415, 416 should have been searched.

Accordingly, the petition is **DENIED.**

William Krynski, Special Program Examiner
Technology Center 1700
Chemical and Materials Engineering

ROBERT D. FISH
RUTAN & TUCKER LLP
611 ANTON BLVD 14TH FLOOR
COSTA MESA CA 92626-1931

1771-3
Befomo

Practitioner's Docket No. **022494.0043US**

OIPE JC130
MAY 0 9 2005
PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Silvers, Gary M., et al.**
Application No.: **10/925703**
Filed: **August 24, 2004**
For: **Polishing and Buffing Pad**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO MAKE SPECIAL FOR NEW APPLICATION
UNDER 37 C.F.R. § 1.102(d) and M.P.E.P. § 708.02, VIII

A) Petition

Applicant hereby petitions to make this new application special and submits the fee set forth in 37 C.F.R. 1.17(h). Please charge deposit account number 502191 in the amount of $130.00 for the filing fee for this Petition.

B) Claims

All the claims in this case are directed to a single invention. If the Office determines that all the claims presented are not obviously directed to a single invention, then applicant will make an election without traverse as a prerequisite to the grant of special status.

C) Search

An extensive patentability search performed by the undersigned, including especially US classes 428/64, 428/85, 428/99, 442/341, 442/344, 442/352, 442/415, 442/416, and 15/230.

D) Copies Of The References

All references closely related to the subject matter are already of record. Also attached is Form PTO-1449.

E) Detailed Discussion Of The References

The filed claims all require a buffing pad comprising a non-woven buffing layer having crimped fibers with an average fiber thickness of *less than 1 denier*.

The Foster references (US 5292567 and related EP 0 458 591 A2) contemplate using soft fibers, having fiber thickness of less than 15 denier, and more preferably fiber thickness of about

05/10/2005 CCHAU1 00000097 10925703
01 FC:1464 130.00 DA

PETITION GRANTED

Richard Crispino
Special Program Examiner
Technology Center 1700

MAY 23 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

Orum & Roth LLC
53 W Jackson Boulevard
Chicago IL 60604-3606

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OCT 1 0 2006

OFFICE OF PETITIONS

In re Application of	:	
FUJITA, et al.	:	
Application No. 10/925,706	:	DECISION ON PETITION
Filed: August 25, 2004	:	TO WITHDRAW
Attorney Docket No. 13913	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 16, 2006.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Catherine L. Gemrich.

Catherine L. Gemrich has been withdrawn as attorney or agent of record; all other attorneys remain of record.

The correspondence address of record remains unchanged.

There is no outstanding Office action that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to Patricia Volpe at 571-272-6825.

for 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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THE LAW OFFICES OF BRADLEY J. BEREZNAK
800 WEST EL CAMINO REAL
SUITE 180
MOUNTAIN VIEW, CA 94040

Mail Date: 07/06/2010

Applicant	: Eric Voit	: DECISION ON REQUEST FOR
Patent Number	: 7643409	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 10/925,743	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/25/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1276** 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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William Cray
C/o Cymer, Inc.
Legal Dept. MS/4-2C
17075 Thornmint Court
San Diego CA 92127

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JAN 18 2005

OFFICE OF PETITIONS

In re Application of	:	
Rao et al.	:	
Application No. 10/925,746	:	ON PETITION
Filed: August 24, 2004	:	
Attorney Docket No.: 2004-0076-01	:	

This is a decision on the petition filed December 10, 2004, requesting in effect, that the Notice of Omitted Parts contained in the Notice to File Missing Parts in a Nonprovisional Application ("Notice") mailed November 2, 2004, be withdrawn.

The application was filed on August 24, 2004. However, on November 2, 2004, the Office of Initial Patent Examination (OIPE) mailed a Notice stating that the application had been accorded a filing date of August 24, 2004 but figures 15-16 described in the specification appeared to have been omitted.

In response, the present petition was filed wherein Petitioner contends 9 pages of drawings which included figures 1-15 as described in the specification were filed on August 24, 2004. Petitioner states the application included a sheet of drawings containing three figures. Although two figures were labeled 14A and 14B the third figure while not labeled, should have labeled as figure 15 as described in the specification. The petition is accompanied by a copy of the sheet of drawings in question showing the correct figure label.

As to omitted figure 16, petitioner acknowledges that figure 16 was not included in the drawings submitted on August 24, 2004. Petitioner has submitted a preliminary amendment deleting reference to figure 16.

The petition is Dismissed.

Applicant is not seeking to submit any additional drawings.

However, the office was correct in stating that figure 15 appeared to have been omitted and figure 16 was in fact omitted. Therefore the Notice was properly mailed and will not be withdrawn.

Since the present petition was not necessitated by any error on the part of the Office, the $130.00 petition fee will not be refunded.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of August 24, 2004 using the 9 sheets of drawings filed on that date.

The Office acknowledges receipt of the preliminary amendment and the declaration submitted with the instant petition.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3215.

Charlema R. Grant
Petitions Attorney
Office of Petitions

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OFFICE OF THE DIRECTOR
TC 3600

SHERIDAN ROSS PC
1560 Broadway
Suite 1200
Denver, CO 80202

In re application of
Gilman A. Hill
Application No. 10/925,770
Filed: August 24, 2004
For: DEEP-WELL, CONTINUOUS-COILED-TUBING APPARATUS AND METHOD OF USE

DECISION ON PETITION TO MAKE SPECIAL (APPLICANT'S AGE)

This is a decision on the petition submitted on August 24, 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. Hill 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: 10/26/04

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Wagner, Murabito & Hao LLP
Third Floor
Two North Market Street
San Jose CA 95113

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MAR 3 1 2006

OFFICE OF PETITIONS

In re Application of	:	
Lam et al.	:	
Application No. 10/925,771	:	ON PETITION
Filed: August 24, 2004	:	
Attorney Docket No. PALM-3787.SG.CON	:	

This is in response to the petition filed September 13, 2005, requesting that the above-identified application be accorded a filing date of August 24, 2004. The petition was recently forwarded to the Office of Petition for a decision on the merits. The Office sincerely apologizes for any inconvenience.

On August 24, 2004, applicants deposited the above-identified application. On May 23, 2005, 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. The Notice further stated that applicants must submit the items and a newly executed oath or declaration covering the items within TWO MONTHS of the date of the Notice or the proceedings would be terminated. On September 9, 2005, the Office mailed a Notice of Termination of Proceedings and refunded the $770.00 filing fee, less a $130.00 handling fee. On September 13, 2005, applicants filed the present petition.

The Office finance records indicate that the Deposit Account contains insufficient funds to satisfy the payment of the filing fee in the amount of $640.00 ($770.00 - $130.00 = $640.00) if the petition was granted. Accordingly, the Office will not decide the petition on its merits. The petition is dismissed for the reasons stated.

Applicants must submit **BOTH** a renewed petition and $640.00 within **TWO MONTHS** of the date of this decision. No extensions of time are permitted.

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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Third Floor
Two North Market Street
San Jose CA 95113

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MAY 2 6 2006

OFFICE OF PETITIONS

In re Application of	:
Lam et al.	:
Application No. 10/925,771	: DECISION ON PETITION
Filed: August 24, 2004	:
Attorney Docket No. PALM-3787.SG.CON	:

This is a decision on the petition filed April 11, 2006, requesting that the above-identified application be accorded a filing date of August 24, 2004.

On August 24, 2004, applicants deposited the above-identified application. On May 23, 2005, 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. The Notice further stated that applicants must submit the items and a newly executed oath or declaration covering the items within TWO MONTHS of the date of the Notice or the proceedings would be terminated. On September 9, 2005, the Office mailed a Notice of Termination of Proceedings and refunded the $770.00 filing fee, less a $130.00 handling fee.

On April 11, 2006, applicants filed the present petition. Applicants stated that they submitted a response to the Notice of Incomplete on July 22, 2005, which was subsequently misplaced in the USPTO. In support of this assertion, applicants submitted a copy of the response, which contained a certificate of mailing dated July 22, 2005. Furthermore, applicants submitted 21 sheets of drawings and a returned, date-stamped postcard receipt. The returned, date-stamped postcard acknowledged receipt of 21 sheets of drawings in the USPTO on August 24, 2004.

Upon review of the record, the 21 sheets of drawings, deposited on August 24, 2004, have not been located among the application papers. However, the evidence is convincing that the application papers deposited on August 24, 2004, included 21 sheets of drawings, which were subsequently misplaced in the USPTO. See MPEP 503. Therefore, the application, including the 21 sheets of drawings, was complete on filing and will be granted a filing date of August 24, 2004.

Accordingly, the petition is granted.

The Notice of Incomplete was sent in error and is hereby withdrawn.

The Office has received the $640.00 fee, which was previously refunded. The $640.00 fee and the $130.00 handling fee will satisfy the payment of the filing fee.

The Office of Initial Patent Examination is directed **to accord the above-identified application a filing date of August 24, 2004**, using the 21 sheets of drawings submitted with the petition on September 13, 2005, and to indicate in the record that 21 sheets of drawings were present on filing.

Any inquiries related to this decision should be directed to the undersigned at (571) 272-3211.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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MAR 13 2006

DARBY & DARBY P.C.
P. O. BOX 5257
NEW YORK NY 10150-5257

In re Application of	:
Kenneth Newman et al	:
Serial No.: 10/925,783	: PETITION TO MAKE SPECIAL
Filed: August 23, 2004	:
Attorney Docket No.: 03269/100M292	:

This is in response to applicants' petition filed February 3, 2006, to make the above-identified application special under the provisions of 37 CFR 1.102(d).

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, VIII. Therefor the petition is **GRANTED**.

The following condition applies to the grant of this petition: If, upon examination, it is determined that a restriction requirement is necessary because of multiple inventions being claimed, applicant will be required to make an election without traverse of a single invention to be prosecuted. Failure to make an election without traverse will void the special status accorded in this decision.

The application will be forwarded the examiner for action on the merits commensurate with this decision.

Should there be any questions with regard to this letter please contact William R. Dixon, Jr. by letter addressed to the Director, Technology Center 1600, P.O. Box 1450, Alexandria, VA 22313-1450, or by telephone at 571-272-0519 or by facsimile transmission at the general Office facsimile number, 571-273-8300.

William R. Dixon, Jr.
Special Program Examiner
Technology Center 1600

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MAR 13 2006

DARBY & DARBY P.C.
P. O. BOX 5257
NEW YORK NY 10150-5257

In re Application of	:
Kenneth Newman et al	:
Serial No.: 10/925,783	: PETITION TO MAKE SPECIAL
Filed: August 23, 2004	:
Attorney Docket No.: 03269/100M292	:

This is in response to applicants' petition filed February 3, 2006, to make the above-identified application special under the provisions of 37 CFR 1.102(d).

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, VIII. Therefor the petition is **GRANTED**.

The following condition applies to the grant of this petition: If, upon examination, it is determined that a restriction requirement is necessary because of multiple inventions being claimed, applicant will be required to make an election without traverse of a single invention to be prosecuted. Failure to make an election without traverse will void the special status accorded in this decision.

The application will be forwarded the examiner for action on the merits commensurate with this decision.

Should there be any questions with regard to this letter please contact William R. Dixon, Jr. by letter addressed to the Director, Technology Center 1600, P.O. Box 1450, Alexandria, VA 22313-1450, or by telephone at 571-272-0519 or by facsimile transmission at the general Office facsimile number, 571-273-8300.

William R. Dixon, Jr.
Special Program Examiner
Technology Center 1600

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Paper No.

James M. Robertson
J.M. Robertson IP Services, LLC
233 South Pine Street
Spartanburg, SC 29302

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OFFICE OF PETITIONS

In re Application of	:	
Baldwin et al.	:	DECISION ON
Application No. 10/925,808	:	PETITION
Filed: August 25, 2004	:	
Attorney Docket No. FEL-016PA	:	

This is a decision on the PETITION FOR REVIVAL OF AN APPLICATION ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b), filed July 28, 2005.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply to the "Notice to File Missing Parts of Application" mailed October 21, 2004. This 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. No reply having been received, the above-identified application became abandoned on December 22, 2004. A courtesy Notice of Abandonment was mailed on July 11, 2005.

Petitioner has satisfied the requirements of 37 CFR 1.137(b). Accompanying the instant petition were an executed declaration; and the surcharge for late filing of the declaration under 37 CFR 1.16(e), the replies requested in the above-identified notice. Petitioner also submitted the petition fee and made the required statement of unintentional delay.

The Office of Initial Patent Examination (OIPE) has been advised of this decision. The application is thereby forwarded to OIPE for completion of pre-examination processing, including processing of the replies to the Notice to File Missing Parts filed July 28, 2005.

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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ALEXANDRIA, VA 22313-1450
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Paper No. None

PEARNE & GORDON LLP
1801 EAST 9TH STREET
SUITE 1200
CLEVELAND OH 44114-3108

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OFFICE OF PETITIONS

In re Application of
Steven W. Bledsoe et al.
Application No. 10/925,810
Filed: August 25, 2004
Attorney Docket No. 36896
Title: WALL PANEL SYSTEM

DECISION ON PETITION
UNDER 37 C.F.R. §1.137(f)

This is a decision on the petition filed November 3, 2005, pursuant to 37 C.F.R. §1.137(f), to revive the above-identified application.

A grantable petition pursuant to 37 CFR 1.137(f) must be accompanied by:

(1) Notification of the filing of an application in a foreign country or under a multinational treaty that requires 18 month publication[1];
(2) The petition fee as set forth in 37 C.F.R. § 1.17(m), and;
(3) A statement that the entire delay in filing the notice from the date that the notice was due under 35 U.S.C. §122(b)(2)(B)(iii) until the date the notice was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

Petitioner states that the present nonprovisional application is the subject of an application filed in either a foreign or an international application on August 25, 2005. However, the United States Patent and Trademark Office was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in either an international application or a foreign country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. §1.22(b)(2)(B)(iii) and 37 C.F.R. §1.213(c) for failure to timely notify the Office of the filing of

1 See PTO/SB/36 and paragraph on PTO/SB/64a for further information. Both may be downloaded at http://www.uspto.gov/web/forms/index.html.

either a foreign application or an application under a multilateral international agreement that requires publication of applications 18 months after filing.

On November 3, 2005, a Notice of Rescission of Nonpublication Request was filed with the Office, along with the present petition.

The petition under 37 C.F.R. §1.137(f) is **GRANTED**.

Petitioner has submitted the notification of either a foreign or an international filing, paid the petition fee, and has made the proper statement of unintentional delay.

The instant petition has been found to be in compliance with 37 C.F.R. §1.137(f). Accordingly, the failure to timely notify the Office of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. §122(b)(2)(B)(iii) and 37 C.F.R. §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), filed with the original application papers, has been rescinded. As set forth in the Communication Regarding Rescission of Nonpublicaiton Request and/or Notice of Foreign Filing which has been previously sent, the projected publication date is April 6, 2006.

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

Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

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MAY 13 2005

John C. Serio
Brown Rudnick Berlack Israels LLP
One Financial Center
Boston MA 02111

In re Application of	:	
Alan A. Creamer	:	
Serial No.: 10/925,820	:	DECISION ON PETITION
Filed: August 25, 2004	:	
For: Teeth Whitening Composition and	:	
Method	:	

This is in response to applicants' Petition filed October 4, 2004, to make the above-identified application special under the provisions of 37 CFR 1.102(d), based on prospective manufacture.

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, II. Therefore the petition is **GRANTED**.

The application will be forwarded to the examiner for action on the merits commensurate with this decision.

Should there be any questions with regard to this letter please contact Richard Bertsch by letter addressed to the Director, Technology Center 3700, P.O. Box 1450 Alexandria, VA 22313-1450, or by telephone at (571 272-3750 or by facsimile transmission at (703) 872-9306.

Richard A. Bertsch, Director
Technology Center 3700

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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HOFFMANN & BARON, LLP
6900 JERICHO TURNPIKE
SYOSSET, NY 11791

Mail Date: 04/21/2010

Applicant	: Kishor Kabse	: DECISION ON REQUEST FOR
Patent Number	: 7641926	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/925,822	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/25/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1190** 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.

10/925842

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20080905

DATE : September 5, 2008

TO SPE OF : ART UNIT 1794

SUBJECT : Request for Certificate of Correction on Patent No.: 7294401

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - PK 3-910
Palm location **7590** - Tel. No. 305-8201

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance **Certificates of Correction Branch**

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

☒ **Approved** **All** changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

Comments:

SPE Jill A. Warden **Art Unit** 1797

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HAYNES AND BOONE, LLP
901 MAIN STREET, SUITE 3100
DALLAS, TX 75202

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OFFICE OF PETITIONS

In re Application of	:	
Zucker, et. al.	:	DECISION ON REQUEST
Application No. 10/925,848	:	TO WITHDRAW FROM
Filed: August 24, 2004	:	RECORD
Attorney Docket No. 35207.25	:	

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 September 23, 2005.

The request to withdraw as attorney or agent is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to all the attorneys or agents of record have been revoked by the assignee of the patent application. 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

Conferee:

cc: BAKER BOTTS, L.L.P.
2001 ROSS AVENUE
SUITE 600
DALLAS, TX 75201-2980

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Richard P. Berg, ESQ.
c/o LADAS & PARRY
Suite 2100
5670 Wilshire Boulevard
Los Angeles, CA 90036-5679

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OFFICE OF PETITIONS

In re Application of :
Andre Dehon :
Application No. 10/925,863 : ON PETITION
Filed: August 24, 2004 :
Attorney Docket No.B-5025CIP

This is a decision on the petition under 37 CFR 1.181 filed on September 10, 2007, to withdraw the holding of abandonment in the above-cited application.

The petition is **DISMISSED**.

The above-identified application became abandoned for failure to reply to the Notice to File Missing Parts of Nonprovisional Application mailed October 28, 2004, which set a shortened period for reply of two-months from its mailing date. Although a response was received on January 5, 2007, the response did not contain a certificate of mailing under 37 CFR 1.8, nor was the response accompanied by an extension of time within the first month which would have been necessary in order for the response to be considered timely. The application became abandoned on December 29, 2004. A Notice of Abandonment was mailed on August 24, 2007, and again on September 20, 2007.

Petitioner maintains that a response to the Notice to File Missing Parts of Non-Provisional Application was filed on January 5, 2005, but that the Notice of Abandonment mailed August 24, 2007, indicated that the response of October 5, 2005, was untimely. Petitioner states that the response was actually filed January 5, 2005, not on October 5, 2005. Petitioner is correct that the Notice of Abandonment mailed August 24, 2007, contained a typographical error citing the response as having been filed on October 5, 2005, rather than January 5, 2005. Yet, the substance of the Notice of Abandonment is correct; the response filed January 5, 2005, was untimely because it did not contain a certificate of mailing dated December 28, 2004, or before, and was not accompanied by a request for an extension of time within first month. A review of the application file did not reveal an authorization to charge a deposit account for miscellaneous fees.[1] The evidence presented does not allow the undersigned to conclude that the response was timely received, only that the response was received. Petitioner must, however, establish that the response was timely received in order to merit withdrawal of the holding of abandonment.

[1] It is noted that the application transmittal sheet contained language authorizing a deposit account to be charged, but the box was not checked indicating that petitioner was, in fact, making such authorization.

Based on the aforementioned, the petition under 37 CFR 1.181 to withdraw the holding of abandonment is dismissed.

Petitioner may file a petition under 37 CFR 1.137(b) to revive the application. The fee for the petition is $1500.00 large entity or $750.00 for a small entity.

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

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Richard P. Berg, ESQ.
c/o LADAS & PARRY
Suite 2100
5670 Wilshire Boulevard
Los Angeles, CA 90036-5679

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In re Application of
Andre Dehon
Application No. 10/925,863
Filed: August 24, 2004
Attorney Docket No.B-5025CIP

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.181 filed on October 3, 2007, to withdraw the holding of abandonment in the above-cited 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 October 28, 2004, which set a shortened period for reply of two-months from its mailing date. Although a response was received on January 5, 2005, the response did not contain a certificate of mailing under 37 CFR 1.8, nor was the response accompanied by an extension of time within the first month which would have been necessary in order for the response to be considered timely. The application became abandoned on December 29, 2004. A Notice of Abandonment was mailed on August 24, 2007, and again on September 20, 2007.

Petitioner maintains that a response to the Notice to File Missing Parts of Non-Provisional Application was filed on January 5, 2005, but that the Notice of Abandonment mailed August 24, 2007, indicated that the response of October 5, 2005, was untimely. Petitioner states that the response was actually filed January 5, 2005, not on October 5, 2005, and was accompanied by a certificate of mailing under 37 CFR 1.8 dated December 28, 2004.

Based on the aforementioned, it appears that the application was improperly held abandoned as a proper response was received prior to expiration of the period for reply. The holding of abandonment is withdrawn, accordingly

The application file is being directed to the Office of Patent Application Processing for further processing including entry of the response filed January 5, 2005.

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

Wayne A. Keown
Keown & Associates
Suite 1200
500 West Cummings Park
Woburn, MA 01801

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SEP 30 2009

OFFICE OF PETITIONS

In re Patent of Agrawal et al. :
Patent No. 7,517,862 :
Issue Date: April 14, 2009 :
Application No. 10/925,873 :
Filing Date: August 25, 2004 :
Attorney Docket No. HYB-007US4 :

DECISION ON APPLICATION FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT

This is in response to the "Request for Reconsideration of Patent Term Adjustment" filed May 11, 2009. Patentees request the determination of patent term adjustment indicated on the issue notification (and on the patent) be corrected from five hundred ninety-four (594) days to one thousand one hundred seventy-four (1,174) days.

The request for reconsideration of the patent term adjustment indicated on the patent is **dismissed**.

On April 14, 2009, the application matured into United States Patent No. 7,517,862 with a patent term adjustment of 594 days. This request for reconsideration was timely filed within two months of the issue date of the patent.

Patentees assert the correct patent term adjustment is 1,174 days. Specifically, patentees assert the patent term adjustment is the sum of 687 days of delay under 35 U.S.C. § 154(b)(1)(A) ("A Delay) and 598 days of delay under 35 U.S.C. § 154(b)(1)(B) ("B Delay") reduced by 18 days of overlap between A Delay and B Delay and reduced by 93 days of Applicant Delay.

The first issue to be addressed is the number of days of B Delay.

The application was filed August 25, 2004, and issued as a patent three years and 598 days later on April 14, 2009. Therefore, the amount of B delay is 598 days.[1] In other words, the Office agrees with patentees' determination of the number of days of B delay.

[1] The instant case does not contain any time periods falling under 35 U.S.C. §§ 154(b)(1)(B)(i)-(iii).

The second issue to be addressed is the extent to which the patent term adjustment listed on the Determination of Patent Term Adjustment under 35 U.S.C. § 154(b) should have been increased as a result of Office delay in the issuance of the patent (B Delay).

35 U.S.C. § 154(b)(2)(A) limits Office delay to the sum of A Delay and B Delay to the extent such periods of delay are not overlapping. Specifically, 35 U.S.C. § 154(b)(2)(A) states,

> To the extent that time periods of delay attributable to grounds specified in paragraph (1) overlap, the period of any adjustment granted under this section shall not exceed the actual number of days the issuance of the patent was delayed.

Patentees do not dispute that the total period of Office delay is the sum of the period of A Delay and the period of B Delay to the extent the periods of delay do not overlap. However, patentees assert the period of overlap is 18 days. The Office does not agree with patentee's assertion. The Office contends the period of overlap is 598 days.

The Office has described its position regarding the proper interpretation of 35 U.S.C. § 154(b)(2)(A) as follows:

> If an application is entitled to an adjustment under 35 U.S.C. 154(b)(1)(B), the entire period 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 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.[2]

In this case, the relevant time period when determining if periods of delay "overlap" is the time period from the filing date of the application, August 25, 2004, to the date of issuance of the patent, April 14, 2009.

The 598 days attributable to the delay in the issuance of the patent overlaps with the adjustment of 687 days attributable to grounds specified in 37 C.F.R. § 1.702(a)(1). Since the 598 days of B

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[2] *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) (*quoting Revision of Patent Term Extension and Patent Term Adjustment Provisions; Final Rule*, 69 Fed. Reg. 21704, 21706 (April 22, 2004)). The Notice also provided a discussion of an example of the application of the overlap provision:

> A two month delay in issuing a first Office action (35 U.S.C. 154(b)(1)(A)(i)) and a two-month delay in issuing the patent (35 U.S.C. 154(b)(1)(B)) [are] considered overlapping delays, even though the two-month delay in issuing the first Office action occurred prior to three years (thirty-six months) after the application's filing date. This is because if the Office does not issue the patent until three years and two months (thirty-eight months) after its filing date, the relevant period in determining the Office delay in issuing the patent is not just the period between three years (thirty-six months) after the application's filing date and the date the patent issues (thirty-eight months after the application's filing date), but is the entire period between the application's filing date and the date the application issues.

Delay overlap with 598 of the 687 days of A Delay, the Office acted properly when the Office did not enter any additional days to the patent term adjustment for B Delay when issuing the patent

In view of the previous discussion, the patent term adjustment set forth on the patent remains 594 days. Therefore, the patent term adjustment on the patent will not be changed.

Submission of the $200.00 fee set forth in 37 CFR 1.18(e) is acknowledged. No additional fee is required.

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Steven Brantley at (571) 272-3203.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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

Wayne A. Keown
Keown & Associates
Suite 1200
500 West Cummings Park
Woburn, MA 01801

Mail Date: 04/21/2010

Applicant	: Sudhir Agrawal	: DECISION ON REQUEST FOR
Patent Number	: 7517862	: RECALCULATION of PATENT
Issue Date	: 04/14/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/925,873	: OF WYETH
Filed	: 08/25/2004	:
		:

The Patentee's Request for Recalculation is **DISMISSED.**

This Request is deemed ineligible for consideration for one or more of the following reasons:

(A). The patent for which PTA recalculation is requested is either a design or reissue application or is a reexamination proceeding;

(B). The patent for which PTA recalculation is requested resulted from a utility or plant application filed under 35 USC 111(a) before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(C). The patent for which PTA recalculation is requested resulted from an international application in which the international filing date was before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(D). The patent for which PTA recalculation is requested issued on/after March 2, 2010;

(E). The Request for Recalculation was filed more than 180 days after the grant date of the patent and the request was not filed within two months of a dismissal of a request for reconsideration of the of the patent term under 37 CFR 1.705(d);

(F). The Request for Recalculation is not solely limited to USPTO pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A);

or

(G). A civil action was filed pursuant to 35 U.S.C. 154(b)(4)(A)concerning the same patent at issue in this request.

Patentee may file a reply to this decision dismissing the Request for Recalculation. Patentee must file such reply within one month or thirty days, whichever is longer, of the mail date of the decision dismissing the Request for Recalculation. No fee is required if patentee is asserting in the reply that the dismissal for ineligibility is improper.

Patentee should use document code PET.OP if electronically filing a reply to this dismissal. If the USPTO finds that the request was improperly deemed ineligible, the USPTO will mail applicant a recalculation determination.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A). Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154 (b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
10/925,876	8/24/04	Marshal Brinn	BBNT-P01-351

EXAMINER
Ian J. Lobo
Art Unit 3662

DATE MAILED:

This is a communication from the examiner in charge of your application
COMMISSIONER OF PATENTS AND TRADEMARKS

The petition filed November 7, 2006 under 37 CFR §1.97(d)(2)(ii) for consideration of an information disclosure statement filed after allowance has been:

[X] GRANTED.

[ ] DENIED.

The petition lacks:

[ ] The required fee under 37 CFR §§1.97(d)(2)(iii) and 1.17(i)(1).

[ ] A proper certification as specified in 37 CFR §§1.97(d)(2)(i) and 1.97(e)

The information disclosure statement has been placed of record in the file but will not be considered by the examiner.

Thomas H. Tarcza
SPE Art Unit 3662
571-272-6979

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FEB 22 2008

BELL, BOYD & LLOYD LLP
P.O. BOX 1135
CHICAGO IL 60690

In re Application of	:	
Kathleen Nylund Jackson	:	
Application No. 10/925,879	:	DECISION GRANTING PETITION
Filed: August 25, 2004	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 112300-3870	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed February 22, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on January 14, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 3714 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment.

Karen Creasy
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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PATENT COUNSEL
APPLIED MATERIALS, INC.
P.O. BOX 450-A
SANTA CLARA, CA 95052

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JAN 12 2005

OFFICE OF PETITIONS

In re Application of	:	
Chandrachood et al.	:	
Application No. 10/925,887	:	DECISION GRANTING
Filed: August 25, 2004	:	STATUS UNDER
Attorney Docket No.	:	37 CFR 1.47(a)
AMAT/8639/MASK/ETEC/ARNOL	:	

This is in response to a Petition Under 37 CFR 1.47, filed December 28, 2004, to allow the other inventor(s) to proceed with the application on behalf of himself or herself and the nonsigning inventor.

The petition is **granted**.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

Petitioner has shown that the non-signing inventor, Nicole Sandlin, refuses to join in the application.

As provided in Rule 1.47(a), this Office will forward notice of this application's filing to the non-signing inventor at the addresses given in the Petition. Notice of the filing of this application will also be published in the Official Gazette.

The application file is being referred to the Office of Initial Patent Examination for continued processing.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3232.

Derek L. Woods
Attorney/Advisor
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MS. NICOLE SANDLIN
1063 MORSE AVENUE
APT. 9-103
SUNNYVALE, CA 94089

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JAN 12 2005

OFFICE OF PETITIONS

In re Application of	:	
Chandrachood et al.	:	
Application No. 10/925,887	:	DECISION GRANTING
Filed: August 25, 2004	:	STATUS UNDER
Attorney Docket No.	:	37 CFR 1.47(a)
AMAT/8639/MASK/ETEC/ARNOL	:	

Dear Ms. Sandlin:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3232. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Derek L. Woods
Attorney/Advisor
Office of Petitions

cc: PATENT COUNSEL
APPLIED MATERIALS, INC.
P.O. BOX 450-A
SANTA CLARA, CA 95052

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Nannè Prauda
19, boulevard Flandrin
75016 Paris
FRANCE

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JAN 12 2005

OFFICE OF PETITIONS

In re Application of	:	
Chandrachood et al.	:	
Application No. 10/925,887	:	LETTER
Filed: August 25, 2004	:	
Attorney Docket No.	:	
AMAT/8639/MASK/ETEC/ARNOL	:	

Dear Nannè Prauda:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3232. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Derek L. Woods
Attorney/Advisor
Office of Petitions

cc: PERMAN & GREEN, LLP
425 POST ROAD
FAIRFIELD, CT 06824

UNITED STATES PATENT AND TRADEMARK OFFICE

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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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APR 0 7 2005

OFFICE OF PETITIONS

In re Application of
Ellis, et al.
Application No. 10/925,892
Filed: August 23, 2004
Attorney Docket No. UV-85 Cont.
For: INTERACTIVE TELEVISION PROGRAM GUIDE SYSTEM THAT SERVES AS A PORTAL

ON PETITION

This is a decision on the petition under 37 CFR 1.53(e), filed March 4, 2005, requesting, in effect, withdrawal of the Notice to File Missing Parts of Nonprovisional Application, mailed January 4, 2005, insofar as it alleges that page 47 of the specification was omitted upon filing.

The petition under 37 CFR 1.53(e) is **DISMISSED**.

The application was filed on August 23, 2004. On January 4, 2005, the Office of Initial Patent Examination mailed a Notice informing petitioners, *inter alia*, that page 47 of the specification appeared to have been omitted.

In response to the Notice, petitioners filed the present petition. Petitioners request that page 47 be accorded a filing date of August 23, 2004 on the basis that 89 pages of application, including page 47, were received in the Patent and Trademark Office (PTO) on August 23, 2004. In support, the petition is accompanied by a copy of applicants' itemized postcard receipt showing an Office of Initial Patent Examination generated barcode citing August 23, 2004 as the date of receipt. The postcard lists, *inter alia*, that the filing included 89 pages of application and 40 sheets of drawings. A review of the application file reveals that there are 88 pages of application are present. Page 47 is missing.

A properly itemized return postcard constitutes *prima facie* evidence that the items were filed on the date stamped thereon. However, a postcard receipt will not serve as *prima facie* evidence of receipt of any item which is not adequately itemized on the postcard. MPEP 503.

The itemized postcard in this case was not properly itemized. It is noted that the postcard receipt lists "89 Pages of Application," Even though the postcard receipt was not properly itemized with

respect to the specification, petitioner can establish that 89 pages of application were received. Fortunately, petitioner numbered the specification, claims and abstract in sequential order and itemized the drawings separately. The Office received pages 1- 46 and 48- 89. Since petitioner has established that 89 pages were received in the Office on August 23, 2004, the Office will accept page 47 as filed on August 23, 2004.

In the future, petitioner is strongly encouraged to further itemize any new application postcard receipt and use the word "specification" rather than the word "application."

The return postcard constitutes strong evidence that missing page 47, was filed on August 23, 2004.

Unfortunately, page 47 of the specification cannot be located. Petitioners are requested to submit another copy of page 47 of the specification. The application cannot undergo further processing without a copy of page 47 of the specification.

The application file will be retained in the Office of Petitions until the omitted page is submitted. Once the omitted page is submitted and a reconsideration petition is granted, the petition fee submitted with the instant petition will be credited to petitioners' deposit account.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By FAX: (703) 872-9306 – ATTN: Office of Petitions

Any inquiries pertaining to this matter may be directed to the undersigned at (571) 272-3230.

E. Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ROPES & GRAY LLP
1251 AVENUE OF THE AMERICAS FL C3
NEW YORK NY 10020-1105

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MAY 0 4 2005

OFFICE OF PETITIONS

In re Application of
Ellis, et al.
Application No. 10/925,892
Filed: August 23, 2004
Attorney Docket No. UV-85 Cont.
For: INTERACTIVE TELEVISION PROGRAM GUIDE SYSTEM THAT SERVES AS A PORTAL

ON PETITION

This is a decision on the reconsideration petition under 37 CFR 1.53(e), filed April 18, 2005 (certificate of mailing date April 14, 2005), requesting, in effect, withdrawal of the Notice to File Missing Parts of Nonprovisional Application, mailed January 4, 2005, insofar as it alleges that page 47 of the specification was omitted upon filing.

The application was filed on August 23, 2004. On January 4, 2005, the Office of Initial Patent Examination mailed a Notice informing petitioners, *inter alia*, that page 47 of the specification appeared to have been omitted.

In response to the Notice, petitioners filed a petition under 37 CFR 1.53(e) on March 4, 2005. Petitioners requested that page 47 be accorded a filing date of August 23, 2004 on the basis that 89 pages of application, including page 47, were received in the Patent and Trademark Office (PTO) on August 23, 2004. In support, the petition was accompanied by a copy of applicants' itemized postcard receipt showing an Office of Initial Patent Examination generated barcode citing August 23, 2004 as the date of receipt. The postcard lists, *inter alia*, that the filing included 89 pages of application and 40 sheets of drawings. A review of the application file reveals that there are 88 pages of application are present. Page 47 is missing.

Petitioners established that 89 pages of application were received with their postcard receipt. The original petition could not be granted because the Office was not in possession of a copy of page 47 of the specification.

Petitioners filed a copy of page 47 with their reconsideration petition. Therefore, the petition under 37 CFR 1.53(e) is **GRANTED**.

Regarding finances, the $130.00 petition fee submitted with the original petition will be credited to deposit account no. 06-1075.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of August 23, 2004, using the copy of page 47 supplied with the instant reconsideration petition.

Any inquiries pertaining to this matter may be directed to the undersigned at (571) 272-3230.

E. Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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FISH & NEAVE IP GROUP
ROPES & GRAY LLP
ONE INTERNATIONAL PLACE
BOSTON, MA 02110-2624

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FEB 2 8 2006

Technology Center 2100

In re Application of: Jean-Claude Mamou
Application No. 10/925897
Filed: August 24, 2004
For: METHOD AND SYSTEMS FOR REAL TIME INTEGRATION SERVICES

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY OR AGENT

This is a decision on the Request To Withdraw from Representation filed June 17, 2005.

A grantable request to withdraw as attorney of record should indicate thereon the present mailing addresses of the attorney(s) who is/are withdrawing from the record and of the applicant. The request for withdrawal must be signed by every attorney seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a). The effective date of withdrawal 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.

for

Vincent N. Trans
Special Program Examiner
Technology Center 2100
Computer Architecture, Software, and
Information Security
571-272-3613

cc: INTERNATIONAL BUSINESS MACHINES CORPORATION
INTELLECTUAL PROPERTY LAW, SVL
555 BAILEY AVENUE, G4
SAN JOSE, CA 95141

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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APR 2 0 2005

Director's Office
Group 3700

Mirek Waraksa
C/o Kozlowski & Company
1491 Hollywell Avenue
Mississauga on L5N 402 CA, CANADA

In re Application of :
Keith Lloyd Walker :

Serial No. 10/925906 : DECISION ON PETITION
Filed: August 26, 2004 : TO MAKE SPECIAL

For: AIR FLOW PRODUCER FOR REDUCING ROOM TEMPERATURE GRADIENTS

Applicant's petition, filed April 06, 2005, seeks to have this application made special based upon the Energy Conservation Program.

The petition is GRANTED.

The petition has been reviewed and is found to be in compliance with the requirements for special status as set forth in Section 708.02(VI) of the Manual of Patent Examining Procedure (MPEP).

PETITION GRANTED.

Richard A. Bertsch, Director
Technology Center 3700
571-272-3750

rt/ 4/19/05

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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Mirek Waraksa
C/o Kozlowski & Company
1491 Hollywell Avenue
Mississauga on L5N 402 CA, CANADA

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APR 2 0 2005

Director's Office
Group 3700

In re Application of :
Keith Lloyd Walker :

Serial No. 10/925918 : DECISION ON PETITION
Filed: August 26, 2004 : TO MAKE SPECIAL

For: AIR FLOW PRODUCER FOR REDUCING ROOM TEMPERATURE GRADIENTS

Applicant's petition, filed April 03, 2005, seeks to have this application made special based upon the Energy Conservation Program.

The petition is GRANTED.

The petition has been reviewed and is found to be in compliance with the requirements for special status as set forth in Section 708.02(VI) of the Manual of Patent Examining Procedure (MPEP).

PETITION GRANTED.

Richard A. Bertsch, Director
Technology Center 3700
571-272-3750

rt/ 4/19/05

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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In re Patent No. 7047380
Issue Date: May 16,2006
Application No. 10925928
Filed: August 26,2004
Attorney Docket No. 2282.0020000/MBR/GSB

:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)

This is a decision on the electronic petition, filed June 15,2010 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of June 15,2010 .
This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

PTO/SB/66 (03-09)
Approved for use through 03/31/2012. OMB 0651-0016
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
7047380	2006-05-16	10925928	2004-08-26	2282.0020000

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY
☐ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS
☒ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity		Small Entity	
Fee	Code	Fee	Code
◉ 3 ½ year	(1551)	○ 3 ½ year	(2551)
○ 7 ½ year	(1552)	○ 7 ½ year	(2552)
○ 11 ½ year	(1553)	○ 11 ½ year	(2553)

SURCHARGE
The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))
The appropriate maintenance fee must be submitted with this petition.

STATEMENT
THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

◉ An attorney or agent registered to practice before the Patent and Trademark Office

○ A sole patentee

○ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.

○ A joint patentee; all of whom are signing this e-petition

○ The assignee of record of the entire interest

Patent Practitioner			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature			
Signature	/GB/	Date (YYYY-MM-DD)	2010-06-15
Name	GEORGE S. BARDMESSER	Registration Number	44020

This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/ or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Workman Nydegger
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, UT 84111

Mail Date: 04/21/2010

Applicant	: Shi-Hwa Huang	: DECISION ON REQUEST FOR
Patent Number	: 7561758	: RECALCULATION of PATENT
Issue Date	: 07/14/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/925,954	: OF WYETH
Filed	: 08/26/2004	:
		:

The Patentee's Request for Recalculation is **DISMISSED.**

This Request is deemed ineligible for consideration for one or more of the following reasons:

(A). The patent for which PTA recalculation is requested is either a design or reissue application or is a reexamination proceeding;

(B). The patent for which PTA recalculation is requested resulted from a utility or plant application filed under 35 USC 111(a) before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(C). The patent for which PTA recalculation is requested resulted from an international application in which the international filing date was before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(D). The patent for which PTA recalculation is requested issued on/after March 2, 2010;

(E). The Request for Recalculation was filed more than 180 days after the grant date of the patent and the request was not filed within two months of a dismissal of a request for reconsideration of the of the patent term under 37 CFR 1.705(d);

(F). The Request for Recalculation is not solely limited to USPTO pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A);

or

(G). A civil action was filed pursuant to 35 U.S.C. 154(b)(4)(A)concerning the same patent at issue in this request.

Patentee may file a reply to this decision dismissing the Request for Recalculation. Patentee must file such reply within one month or thirty days, whichever is longer, of the mail date of the decision dismissing the Request for Recalculation. No fee is required if patentee is asserting in the reply that the dismissal for ineligibility is improper.

Patentee should use document code PET.OP if electronically filing a reply to this dismissal. If the USPTO finds that the request was improperly deemed ineligible, the USPTO will mail applicant a recalculation determination.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A). Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154 (b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ERIC ROBINSON
PMB 955
21010 SOUTHBANK STREET
POTOMAC FALLS, VA 20165

COPY MAILED

OCT 25 2007

OFFICE OF PETITIONS

In re Application of
ZHANG, Hongyong, et al
Application No. 10/925,984
Filed: August 26, 2004
Attorney Docket No. 0756-7294

DECISION GRANTING PETITION
UNDER 37 CFR 1.313(c)(2)

This is a decision on the petition, filed October 24, 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 4, 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 2826 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Amendment and Information Disclosure Statement.

Frances Hicks
Petitions Examiner
Office of Petitions

C:\Documents and Settings\fhicks\My Documents\470\Oct11\925984.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.*

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Liniak, Berenato & White
Ste. 240
6550 Rock Spring Drive
Bethesda MD 20817

COPY MAILED
AUG 24 2006
OFFICE OF PETITIONS

In re Application of	:	
Ikeda	:	
Application No. 10/925,999	:	DECISION ON PETITION
Filed: August 26, 2004	:	TO WITHDRAW
Attorney Docket No. 8339.002	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed 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 P. Liniak on behalf of himself.

All other attorneys/agents associated with this application 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 M. Wise

April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

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SEP 25 2008

OFFICE OF PETITIONS

In re Application of
Finn Gunnersen et al.
Application No. 10/926,005
Filed: August 26, 2004
Attorney Docket No. Q83035

ON PETITION

This is a decision on the "PETITION TO WAIVE THE RULES, AND CONDITIONAL PETITION FOR REVIVAL" filed August 28, 2008 which is treated under 37 CFR 1.183 Seeking Suspension Of Rules" and alternatively under 37 CFR 1.137(b) to revive the above-identified application.

A non-Final Office Action mailed January 18, 2007 set a three month period for reply. Pursuant to 37 CFR 1.136, the period for reply could be extended up to July 18, 2007. Petitioner asserts that a response in the form of an amendment was filed with a three month extension of time on July 18, 2007 filed electronically via the Office's Electronic Filing System (EFS) though not received into the USPTO until July 19, 2007. Petitioner does not dispute that the response was received after the extendable but argues that the filing process was commenced prior to midnight on July 18, 2007 but was not completed through the "EFS" until two minutes after midnight and thus the electronic filing receipt indicates a filing date of July 19, 2007. Petitioner prays for relief under 37 CFR 1.183 that the rules be waived to consider the response as timely filed.

37 CFR 1.183 provides that "In an extraordinary situation, when justice requires, any requirement of the regulations in this part which is not a requirement of the statutes may be suspended or waived by the Commissioner or the Commissioner's designee, sua sponte, or on petition of the interested party, subject to such other requirements as may be imposed." But even if that were the authority for the intended relief sought, the petition would fail as relief therein is reserved for extraordinary situations that don't traverse a statutory requirement.

The arguments have been carefully considered, but are not persuasive.

The U.S. Patent and Trademark Office (Office) file is the official record of papers filed in this application. It is undisputed that the response was received on July 19, 2007 as is acknowledged by the EFS Acknowledgment Receipt which serves as evidence of receipt similar to a Post Card as described in MPEP 503[1].

Unfortunately, wherein deposit or the date filed is the issue, a certificate of mail pursuant to 37 CFR 1.8[2] would be the best evidence to show that the response was filed on July 18, 2007.

Accordingly, there is no statutory authority for considering the response as timely filed and while no extraordinary circumstances have been presented, no relief can be granted under 37 CFR 1.183.

Accordingly, the petition under 37 CFR 1.183 is **DISMISSED**.

The fee for the petition under 37 CFR 1.183 in the amount of $400.00 has been charged to deposit account no. 19-4880.

The application therefore became abandoned by operation of law for failure to timely file a response to the non-Final Office Action mailed January 18, 2007.

In view of the amendment filed July 19, 2007 and the instant petition filed in the alternative under 37 CFR 1.137(b), this petition is **GRANTED**.

The fee fr the petition under 37 CFR 1.137(b) in the amount of $1540.00 has been charged to deposit account no. 19-4880.

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[1]The USPTO has a well-established and well-publicized practice of providing a receipt for papers filed in the USPTO to any applicant desiring a receipt. The practice requires that any paper for which a receipt is desired be filed in the USPTO with a self-addressed postcard identifying the paper. A postcard receipt which itemizes and properly identifies the papers which are being filed serves as prima facie evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO. See section 503, Manual of Patent Examining Procedure (MPEP 503).

[2]37 CFR 1.8(b) states that in the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received by the U.S. Patent and Trademark Office, and the application is held to be abandoned or the proceeding dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:

(1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;

(2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate, and

(3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Commissioner to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

In view of the payment of the issue fee on September 3, 2008 in response to the Notice of Allowance mailed June 4, 2008, this matter is being referred to the Publishing Division.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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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August 23, 2006

FILE COPY

Patent No. : 7,078,660 B2
Ser. No. : 10/926050
Inventor(s) : Mitamura, et al.
Issued : July 18, 2006
Title : **APPARATUS FOR HEATING A GREEN TIRE**
Docket No. : **257257US2DIV**

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.

A petition under C.F.R. 1.182 is required to correct errors in spelling or order of inventors names or addresses, since inventor's names or addresses are printed solely in accordance with the type-written names and address and in the order of the type- written names and address on the Declaration, and since the error was the result of applicant's failure to comply with the requirement that the complete and correct names and addresses in correct order be indicated on the Declaration of Oath, no correction is in order here under the provisions of Rules 1.323, unless a petition is granted.

In view of the foregoing, your request is hereby denied.

However, a petition under 37 CFR 1.182 should be directed to the attention of the Assistant Commissioner for Patents using the following mailing address or FAX number.

By Mail: Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

By Fax: (571) 273-8300
Attn: Office of Petitions

Further correspondence concerning this matter should be filed and directed to Decisions and Certificates of Correction Branch.

Elisha Evans
Cecelia Newman, Supervisor
Decisions & Certificates
of Correction Branch
703 308- 9390 EXT. 110

WILLIAM R EVANS
C O LADAS & PARRY
26 WEST 61ST STREET
NEW YORK NY 10023

CBN/eme

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20090519

DATE : May 19, 2009

TO SPE OF : ART UNIT 3742

SUBJECT : Request for Certificate of Correction on Patent No.: 7,078,660

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:

/TU B HOANG/
Supervisory Patent Examiner, Art Unit 3742

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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U S ARMY RESEARCH LABORATORY
ATTN AMSRL CS CC IP
2800 POWDER MILL RD
ADELPHI MD 20783-1197

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APR 10 2008

OFFICE OF PETITIONS

In re Application of :
Thomas B. **Bahder** :
Application No. 10/926,065 : DECISION ON PETITION
Filed: August 26, 2004 :
Attorney Docket No. ARL 03-78 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 14, 2007, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply within the meaning 37CFR 1.113 to the final Office action mailed May 01, 2007, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on August 02, 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 which is accepted to be entered by the examiner, (2) the petition fee of $1,540.00, and (3) a proper statement of unintentional delay. Accordingly, the reply to the final Office action of December 14, 2007 is accepted as having been unintentionally delayed.

Furthermore, an extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See* In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $1,050.00 extension of time fee submitted with the petition on December 14, 2007 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account number 19-2201.

Telephone inquiries concerning this decision should be directed to Thuy Pardo at (571) 272-6052 or in her absence, the undersigned at (571)272-7099.

This application is being referred to Technology Center AU 2833 for appropriate action by the Examiner in the normal course of business on the reply received

for David A. Bucci
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 03-30-09

TO SPE OF : ART UNIT 2839

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/923073 Patent No.: 6923673

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

A Green

Angela Green

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.

Comm

Claims 1-17 of the original patent number 6,371,793 must be included (in unitalicized form) in the reissue patent. That means that claims 1-20 in 6,923,673 must be renumbered as claims 18-37 (in addition to being italicized). Also, the Applicant failed to use a copy of the original patent in double column format as the specification for the reissue application that issued as 6,923,673. There are some variations in text between the spec of 6,923,673 and the spec of the original patent. For example, a comparison of column 1 of original patent number 6,371,793 and column 1 of 6,923,673 reveals that the Applicant changed subtitles. "TECHNICAL FIELD" at the top of column 1 of the original patent was deleted from the reissue 6,923,673; "BACKGROUND OF THE INVENTION" begins a different paragraph in the reissue; and "Field of the Invention" and "Description of Related Art" was added to the reissue in column 1. Those changes must be requested in the C of C request to be shown by bracketing and underlining.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Date Mailed : December 7, 2009

Patent No. :6923673
Inventor :Michael Doorhy, et al.
Patent Issued :August 2, 2005
Title :LOW CROSSTALK MODULAR COMMUNICATION CONNECTOR

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.

Inspection of the application for the patent reveals that in connection with the alleged error pertaining applicants request for correction filed March 24, 2009; claims 1-17 of the original patent number 6,371,793 must be included (in un-italicized form) in the reissue patent. That means that claims 1-20 in 6,923,673 must be renumbered as claims 18-37 (in addition to being italicized). Also, the Applicant failed to use a copy of the original patent in double column format as the specification for the reissue application that issued as 6,923,673. There are some variations in text between the specification of 6,923,673 and the spec. of the original patent. For example, a comparison of column 1 of original patent number 6,732,793 and column 1 of 6,923,673 reveals that the applicant changed subtitles. "TECHNICAL FIELD" as the top of column 1 of the original patent was deleted from the reissue 6,923,673; "BACKGROUND OF THE INVENTION" begins a different paragraph in the reissue; and "Field of the Invention" and Description of Related Art" was added to the reissue in column 1. Those changes must be requested in the c of c request to be shown by bracketing an underlining.

In view of the foregoing applicants request in this matter is hereby denied, however, a certificate of correction will issue to correct the remaining errors noted in applicants' request. Any telephone inquiry concerning this communication should be directed to Ms. A. Green at (703) 756-1541.

Mary Diggs, Supervisor
Decisions & Certificates
of Correction Branch
(703) 756-1580 or (703) 756-1541

Oliff & Berridge, PLC
P.O. Box 320850
Alexandria, VA 22320-4850

/arg

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON DC 20005-3096

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JUN 11 2007

OFFICE OF PETITIONS

In re Application of :

WALKER, Matthew E. et al. :
Application No. 10/926,087 :
Filed: August 26, 2004 :
Attorney Docket No. **71836-013** :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed march 26, 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 Brian Seidleck on behalf of all attorneys of record who are associated. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the second named inventor Ralf Ludwig at the address indicated below.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **RALF LUDWIG**
WOLF-TEC, INC.
20 KIEFER LANE
KINGSTON, NY 12401

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : September 18, 2007

TO SPE OF : ART UNIT 2874 Rodney B. Bovernick

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/926,104 Patent No.: 7016564 B1

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**.

Should Request for Corrected Certificate of Correction dated 7/30/2007 be approved? Applicant is requesting change of dependency to Claim 43
Claim 35
Claim 25

Antonio Johnson
Certificates of Correction Branch
703-308-9390 ext. 111

Thank You For Your Assistance (see 1050 form attached to COCIN 7-30-2007)

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☒ **Approved** — All changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: The request for Certificate of Correction for the purpose of correcting typographical errors and the dependency of claims 24, 25, 35 and 37.

/Uyen-Chau Le/ — SPE

2874 — Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

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JAMES D. IVEY
3025 TOTTERDELL STREET
OAKLAND, CA 94611-1742

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APR 14 2005

OFFICE OF PETITIONS

In re Application of
Setton
Application No. 10/926,109
Filed: August 24, 2004
Attorney Docket No. P-2238.01

Decision on Petition

This is a decision on the petition filed December 13, 2004, and supplemented December 21, 2004, which is being treated as a petition under 37 CFR 1.53(e)(2), to establish that Figures 1 and 2 were part of the originally filed application.

The application was filed on August 24, 2004. On October 21, 2004, a Notice was mailed stating that Figures 1 and 2 described in the specification did not appear to be included as part of the application filed.

The present petition alleges that Figures 1 and 2, each on a separate sheet, were deposited on August 24, 2004. In support, petitioner has submitted a postcard receipt which acknowledges receipt of 6 sheets of drawings on August 24, 2004.[1] The USPTO file for this application includes only 4 sheets of drawings and does not include the two drawing sheets which contain Figures 1 and 2 described in the specification. Based on the evidence submitted, the Office concludes the missing pages were part of the application but were later misplaced. Therefore, the petition is **granted**.

The Notice mailed October 21, 2004, was sent in error and is hereby vacated.

An oath or declaration under 37 CFR 1.63 was not submitted at the time the application was filed. Since the declaration was not present at the time the application was filed, a $65 surcharge is necessary. The Office will schedule a refund of $335. This amount is the $400 petition fee minus the $65 surcharge discussed above.

The Office of Initial Patent Examination will process the file with a filing date of August 24, 2004, using the papers filed on August 24, 2004, and the copy of Figures 1 and 2 filed on December 13, 2004.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Petitions Attorney
Office of Petitions

---

[1] Evidence of receipt of any correspondence filed in the Patent and Trademark Office can be obtained by submitting a self addressed post card properly itemizing and identifying the paper or papers being filed. Upon receipt of the correspondence, the Patent and Trademark Office will check the listing on the post card against the papers submitted, making sure that all items listed are present and will then stamp the postcard with an Official date stamp and place the post card in the outgoing mail. "A post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all items listed thereon by the PTO." M.P.E.P. § 503.

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MAY 13 2005

Stephen E. Feldman, P.C.
12 East 41St Street
New York NY 10017

In re Application of	:	
Stanley Thai Kim Sim	:	DECISION PETITION
Serial No.: 10/926128	:	
Filed: August 25, 2004	:	
Title: Latex Glove With Textured Outer Surface	:	

This is in response to the petition applicant filed on October 5, 2004 to make the above-identified application special under the provisions of 37 CFR 1.102(d).

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, VIII, thus the petition is **GRANTED**.

The application will be forwarded to the examiner for action on the merits commensurate with this decision.

Should there be any questions with regard to this letter please contact Richard Bertsch by letter addressed to the Director, Technology Center 3700 or by telephone at (571)272-4050 or by facsimile transmission at (703)872-9306.

Richard A. Bertsch

Richard A. Bertsch, Director
Technology Center 3700

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STEPHEN E. FELDMAN, P.C.
12 EAST 41ST STREET
NEW YORK NY 10017

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SEP 12 2006

OFFICE OF PETITIONS

ON PETITION

In re Application of
Stanley Thai Kim Sim :
Application No. 10/926,128 :
Filed: August 25, 2004 :
Title of Invention: LATEX GLOVE WITH TEXTURED OUTER SURFACE :

This is a decision on the petition under 37 CFR 1.137(b),[1] filed March 9, 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 July 21, 2005. A response was filed October 25, 2005 with a certificate of mail dated October 21, 2005, but by Advisory Action of November 10, 2005, petitioner was advised that the response did not place the application in condition for allowance. This application became abandoned on October 24, 2005. Accordingly, a Notice of Abandonment was mailed March 3, 3006.

Petitioner has submitted a Request for Continued Examination (RCE) and requests that

[1] Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

the amendment filed October 25, 2005 serve as the submission required under 37 CFR 1.114.

This matter is being referred to Technology Center 3765 for processing of the RCE.

Telephone inquiries related to this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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STEPHEN E. FELDMAN, P.C.
12 EAST 41ST STREET
NEW YORK, NY 10017

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OFFICE OF PETITIONS

In re Application of
Stanley Thai
Application No. 10/926,128
Filed: August 25, 2004
Attorney Docket No. None

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b) to revive the above-identified application, filed December 1, 2007.

The petition is **GRANTED**.

The application became abandoned for failure to pay the issue fee on or before August 22, 2007. A Notice of Abandonment was mailed on September 26, 2007. On December 1, 2007, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the $720 issue fee and the $300 publication fee; (2) the petition fee of $770; and (3) an adequate statement of unintentional delay.

The application is being referred to the Office of Data Management 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 as a patent should be directed to (571) 272-4200.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

PTO/SB/130 (03-08)
Approved for use through 03/31/2008. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)

Application Information

Application Number	10/926,132	Confirmation Number	8245	Filing Date	2004-08-25
Attorney Docket Number (optional)	Phila1000	Art Unit	3622	Examiner	
First Named Inventor	John W. Disterdick				
Title of Invention	Method for advertising				

Attention: Office of Petitions

An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).

APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.

A grantable petition requires one of the following items:
(1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or
(2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.

Name of Inventor who is 65 years of age, or older

Given Name	Middle Name	Family Name	Suffix
John	W.	Disterdick	

A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18.
Please see 37 CFR 1.4(d) for the format of the signature.

Select (1) or (2) :

○ (1) I am an inventor in this application and I am 65 years of age, or more.

◉ (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.

Signature	/ J. Andrew Huffman /	Date (YYYY-MM-DD)	2008-03-27
Name	J. Andrew Huffman	Registration Number	44160

PTO/SB/130 (03-08)
Approved for use through 03/31/2008. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Fr eedom of Information Act requires disclosure of these records.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about indivi duals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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In re Application of
John W. Disterdick

Application No. 10926132

Filed: August 25,2004

Attorney Docket No. Phila1000

:DECISION ON PETITION TO MAKE SPECIAL
:UNDER 37 CFR 1.102(c)(1)

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1) ,filed 27-MAR-2008 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded “special” status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquires concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

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Paper No.

AGILENT TECHNOLOGIES, INC.
Legal Department, DL 429
Intellectual Property Administration
P.O. Box 7599
Loveland, CO 80537-0599

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AUG 14 2006

OFFICE OF PETITIONS

In re Application of	:	
Ma et al.	:	DECISION ON
Application No. 10/926,152	:	PETITION
Filed: August 24, 2004	:	
Atty Docket No. 10040183-1	:	
	:	

This is a decision on the paper titled "DECLARATION UNDER 37 C.F.R. § 1.47(b) WHERE INVENTORS CANNOT BE REACHED AFTER DILIGENT EFFORT," filed April 21, 2006, which is being treated as a § 1.183 waiver of § 1.131's requirement that all of the inventors sign the declaration of prior inventorship[1].

The petition under 37 CFR 1.183 is **GRANTED**.

The above-identified application was filed on August 24, 2004, with a 37 CFR 1.63 declaration signed by all of the inventors. On April 21, 2006, applicants filed a § 1.131 declaration. The 37 CFR 1.131 declaration was executed by Floyd Anderson for the assignee on behalf of non-signing joint inventors Ma and Hartlove. Applicants have filed the instant petition to have the 37 CFR 1.131 declaration entered despite the fact that the declaration was not signed by either of the inventors. Petitioner asserts that neither inventor can be reached after diligent effort.

37 CFR 1.131 states, in pertinent part:

---

[1] Petitions under 37 CFR 1.47 are only applicable to an original oath or declaration.

> When any claim of an application or a patent under reexamination is rejected, the inventor of the subject matter of the rejected claim, the owner of the patent under reexamination, or the party qualified under §§ 1.42, 1.43, or 1.47, may submit an appropriate oath or declaration to establish invention of the subject matter of the rejected claim prior to the effective date of the reference or activity on which the rejection is based.

In addition, the Manual of Patent Examining Procedure states that "an application or declaration by less than all named inventors of an application is accepted where it is shown that less than all named inventors of an application invented the subject matter of the claim or claims under rejection."

Here, there has not been a party qualified under 37 CFR 1.42, 1.43, or 1.47. In addition, applicants do not contend that less than all of the named inventors of the application invented the subject matter of the claims under rejection. Accordingly, the proper parties to sign the 37 CFR 1.131 declaration include all of the joint inventors.

In order for a petition under 37 CFR 1.183 to be granted to waive this requirement that joint inventors Ma and Hartlove sign the § 1.131 declaration, petitioner must demonstrate that this is an extraordinary situation where justice requires waiver of the rules.

On instant petition, applicants have set forth the steps taken to obtain joint inventors Ma's and Hartlove's signature on the § 1.131 declaration. Applicants have shown that a bona fide effort was made to reach or locate inventors Ma and Hartlove to present the § 1.131 declaration and supporting documentation. The declaration presented is signed by Floyd Anderson on behalf of the assignee. A 3.73(b) statement accompanies the petition. Under the circumstances, it is concluded that petitioner has demonstrated that this is an extraordinary situation, warranting waiver of the rules.

The petition is granted to the extent that the 37 CFR 1.131 declaration may be entered, despite the fact that its requirement that all of the inventors sign the declaration has not been satisfied. This is not a decision on the merits of the declaration.

The petition fee under 37 CFR 1.17(f) of $400 required for consideration of this petition under § 1.183 has been charged to Deposit Account No. 50-3718, as authorized.

The application file is being forwarded to Technology Center 2878 for consideration on the merits of the reply and the 37 CFR 1.131 declaration, filed April 21, 2006.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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ENVIRONMENTAL TECHNOLOGY SOLUTIONS
ATTN: SARAH SHANNON
503 SW 39TH AVENUE
CAPE CORAL, FL 33991

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APR 25 2007

OFFICE OF PETITIONS

In re Application of	:	
Frank Cole	:	
Application No. 10/926,176	:	DECISION ON PETITION
Filed: August 25, 2004	:	TO WITHDRAW
Attorney Docket No. 200570.00001	:	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 15, 2006.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, "[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]" More specifically, 37 CFR 10.40 states, "[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is" for one the permissive reasons listed in 37 CFR 10.40(c). The reasons set forth in the request, do not appear to 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 Irvin Dingle at 571-272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Hahn Loeser Parks
One GOJO Plaza, Suite 300
Akron, OH 44311-1076

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600 N. PINE ISLAND ROAD
SUITE 450
PLANTATION, FL 33324-1311

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OFFICE OF PETITIONS

In re Application of

Frank Cole :

Application No. 10/926,176

: DECISION ON PETITION

Filed: August 25, 2004

:

Attorney Docket No. 200570.00001

This is a decision on the petition under 37 CFR 1.137(b), filed February 26, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The above-cited application became abandoned for failure to reply in a timely manner to the restriction/election requirement mailed June 15, 2006, which set a shortened period for reply of one (1) month from its mailing date. No extension of time pursuant to 37 CFR 1.136(a) was obtained within the allowable period. Accordingly, the application became abandoned on May 16, 2006.

The election filed February 26, 2007, is noted.

The Revocation of Power of Attorney with new power of Attorney and Change of Correspondence Address filed February 26, 2007, is noted and made of record.

The application is being forwarded to Technology Center 3600, GAU 3673 for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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ALEXANDRIA, VA 22313-1450
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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

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JUN 18 2008

OFFICE OF PETITIONS

In re Application of	:	
Baloglu et al.	:	DECISION ON APPLICATION
Application No. 10/926,192	:	for
Filed: August 26, 2004	:	PATENT TERM ADJUSTMENT
Atty Docket No. A8785	:	

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT PURSUANT TO 37 C.F.R. § 1.705," filed January 24, 2008. Applicants request restoration of 51 days of patent term adjustment charged against Applicant under 37 C.F.R. § 1.704(c)(8).

The application for patent term adjustment is **DISMISSED**.

On October 24, 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 0 days. On January 24, 2008, applicants timely submitted the instant application for patent term adjustment[1]. Applicants maintain that the period of reduction of 51 days entered pursuant to 37 CFR 1.704(c)(8), for the filing of an Information Disclosure Statement (IDS) on September 6, 2007 was entered in error. Applicants contend that the IDS contained the certification pursuant to § 1.704(d), and thus, its filing did not constitute a failure to engage in reasonable efforts to conclude prosecution of this application under 37 C.F.R. § 1.704(c)(8).

---

[1] PALM records show that the Issue Fee was also received on January 24, 2008.

Applicants state that the application is not subject to a terminal disclaimer.

Pursuant to 37 CFR § 1.704(c)(8), the submission of a supplemental reply or other paper, other than a supplemental reply or other paper expressly requested by the examiner, after a reply has been filed, is a failure to engage in reasonable efforts to conclude prosecution. It is undisputed that after filing a response on July 17, 2007, on September 6, 2007, applicants filed an IDS. The record does not support a conclusion that the IDS was expressly requested by the examiner.

A review of the IDS filed September 6, 2007, reveals that it did not include the proper § 1.704(d) statement. The required statement states, in pertinent part, that:

> Each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the information disclosure statement.

Applicants are reminded that § 1.704(d) was revised, effective May 24, 2004. This revision requires that the statement include the language "each item of information contained in the information disclosure statement was first cited ..." for the exception to apply. See 69 FR 21704, Apr. 22, 2004.

The statement in the IDS filed September 6, 2007 does not contain the language required by 37 CFR 1.704(d). For the exemption to apply, any IDS filed within the parameters of 37 CFR 1.704(c)(6),(8),(9) or (10) must include the exact statement set forth in § 1.704(d). Nor has a proper party made such a statement on request for reconsideration of patent term adjustment. Accordingly, it is concluded that a period of reduction of 51 days pursuant to § 1.704(c)(8) was properly entered for the filing of the IDS on September 6, 2007.

In view thereof, the determination of patent term adjustment at the time of the mailing of the notice of allowance is 0 days, including 232 days of applicant delay.

Receipt of the $200.00 fee set forth in 37 CFR 1.18(e) is acknowledged. No additional fees are required.

The application is being forwarded to the Office of Data Management for issuance of the patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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ALEXANDRIA, VA 22313-1450
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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
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AUG 1 1 2008

In re Application of	:	
Baloglu et al.	:	DECISION ON APPLICATION
Application No. 10/926,192	:	for
Filed: August 26, 2004	:	PATENT TERM ADJUSTMENT
Atty Docket No. A8785	:	

This is a decision on the "REQUEST FOR RECONSIDERATION OF APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705," filed July 29, 2008. Applicants request restoration of 51 days of patent term adjustment charged against Applicant under 37 C.F.R. § 1.704(c)(8).

The renewed application for 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, including 181[1] days of applicant delay. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On October 24, 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 0 days. On January 24, 2008, applicants timely submitted the initial application for patent term adjustment. Applicants maintain that the period of reduction of 51 days entered pursuant to 37 CFR 1.704(c)(8), for

[1] Applicants request restoration of 51 days but assert that this would be a correction from 232 days to 151 days. Restoring 51 days leads to a correction of PTA to 181 days of applicant delay. Applicant states no further basis for restoration of days of PTA. The assertion of 151 days appears to be a typographical error.

the filing of an Information Disclosure Statement (IDS) on September 6, 2007 was entered in error. Applicants contend that the IDS contained the certification pursuant to § 1.704(d), and thus, its filing did not constitute a failure to engage in reasonable efforts to conclude prosecution of this application under 37 C.F.R. § 1.704(c)(8).

By decision mailed June 18, 2008, the application for patent term adjustment was dismissed on the basis that the IDS as filed on September 6, 2007 did not include the certification as required by § 1.704(d) and no such certification was made on application for patent term adjustment.

On instant renewed application for patent term adjustment, attorney Susan Mack has provided the required statement, certifying that with respect to the information disclosure statement filed on September 6, 2007, each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the information disclosure statement. It is noted that attorney Mack filed the IDS on September 6, 2007. The reduction of 51 days is being removed.

In view thereof, the determination of patent term adjustment at the time of the mailing of the notice of allowance is 0 days (but with 181 not 232 days of applicant delay).

The $200.00 fee set forth in 37 CFR 1.18(e) was received on January 24, 2008. No additional fees are required on request for reconsideration of the decision mailed June 18, 2008.

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

Enclosure: Copy of REVISED PTA calculation

Day : Monday
Date: 8/11/2008

PALM INTRANET

Time: 08:14:03

PTA Calculations for Application: 10/926192			
Application Filing Date:	08/26/2004	PTO Delay (PTO):	26
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	232
Post-Issue Petitions:	0	Total PTA (days):	0
PTO Delay Adjustment:	51		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
64	08/11/2008	ADJUSTMENT OF PTA CALCULATION BY PTO	51		
47	10/24/2007	MAIL NOTICE OF ALLOWANCE			
46	10/02/2007	ISSUE REVISION COMPLETED			
45	10/02/2007	DOCUMENT VERIFICATION			
44	10/02/2007	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
43	10/01/2007	NOTICE OF ALLOWABILITY			
42	09/06/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
40	09/06/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		51	37
39	09/06/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
38	07/19/2007	DATE FORWARDED TO EXAMINER			
37	07/17/2007	RESPONSE AFTER NON-FINAL ACTION		91	35
36	07/17/2007	REQUEST FOR EXTENSION OF TIME - GRANTED			
35	01/17/2007	MAIL NON-FINAL REJECTION			
34	01/11/2007	NON-FINAL REJECTION			
33	08/04/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
32	11/02/2006	DATE FORWARDED TO EXAMINER			
31	10/26/2006	RESPONSE AFTER NON-FINAL ACTION			
30.7	08/04/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
30	08/04/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
29	08/01/2006	MAIL NON-FINAL REJECTION	26		25

28	07/28/2006	NON-FINAL REJECTION			
27	07/10/2006	CORRESPONDENCE ADDRESS CHANGE			
26	03/13/2006	DATE FORWARDED TO EXAMINER			
25	03/06/2006	RESPONSE AFTER NON-FINAL ACTION		90	23
24	03/06/2006	REQUEST FOR EXTENSION OF TIME - GRANTED			
23	09/06/2005	MAIL NON-FINAL REJECTION			
22	09/02/2005	NON-FINAL REJECTION			
21	01/28/2005	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
20	08/26/2004	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
19	08/24/2005	CASE DOCKETED TO EXAMINER IN GAU			
18	06/09/2005	DATE FORWARDED TO EXAMINER			
17	06/03/2005	RESPONSE TO ELECTION / RESTRICTION FILED			
16	05/11/2005	MAIL RESTRICTION REQUIREMENT			
15	05/09/2005	REQUIREMENT FOR RESTRICTION / ELECTION			
14.7	01/28/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
14	01/28/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
13	03/09/2005	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
12	03/09/2005	CASE DOCKETED TO EXAMINER IN GAU			
10	08/26/2004	REFERENCE CAPTURE ON IDS			
9.7	08/26/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
9	08/26/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
8	10/22/2004	APPLICATION RETURN FROM OIPE			
7	10/22/2004	APPLICATION RETURN TO OIPE			
6	10/22/2004	APPLICATION DISPATCHED FROM OIPE			
5	10/22/2004	APPLICATION IS NOW COMPLETE			
4	10/04/2004	CLEARED BY OIPE CSR			
3	10/04/2004	CASE CLASSIFIED BY OIPE			
2	09/20/2004	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	08/26/2004	INITIAL EXAM TEAM NN			

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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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OFFICE OF PETITIONS

Orum & Roth LLC
53 W Jackson Boulevard
Chicago IL 60604-3606

In re Application of	:	
PEREZ	:	
Application No. 10/926,209	:	DECISION ON PETITION
Filed: August 25, 2004	:	TO WITHDRAW
Attorney Docket No. 13948	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed July 16, 2006.

The request is **APPROVED**.

A review of the file record indicates that Catherine L. Gemrich: (1) does not have power of attorney in this patent application; and (2) has been employed or otherwise engaged in the proceedings in this patent application. In view of the present decision, Catherine L. Gemrich has been withdrawn from the present application and may not prepare or submit papers under 37 C.F.R. § 1.34, or correspond in any manner in this application unless appointed in an acceptable power of attorney under 37 C.F.R. § 1.32(b).

Applicant is reminded that there is no attorney of record at this time.

There is no outstanding Office action that requires a reply from the applicant.

The correspondence address remains unchanged.

Telephone inquires concerning this decision should be directed to Patricia Volpe at 571-272-6825.

David Bucci
Petitions Examiner
Office of Petitions

cc: Thomas Perez
3535 W. Irving Park
Chicago, IL 60618

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LAW OFFICES OF ERIC KARICH
2807 ST. MARK DR.
MANSFIELD TX 76063

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OFFICE OF PETITIONS

In re Application of :
Johnson :
Application No. 10/926,214 : ON PETITION
Filed: August 25, 2004 :
Attorney Docket No. 0543-01CIP :
For: MOBILE CAMPING FACILITY AND METHOD FOR CONSTRUCTING SAME

This is a decision on the petition under 37 CFR 1.181, filed February 6, 2006 and resubmitted March 8, 2006, to withdraw the holding of abandonment of the above-identified application.

The petition under 37 CFR 1.181 is GRANTED.

This application was held abandoned on September 22, 2005 for failure to respond in a timely manner to the non-final Office action, mailed June 21, 2005, which set a three (3) month period for reply. A Notice of Abandonment was mailed January 3, 2006.

Petitioner asserts that a proper response was in fact timely received in the Office on September 21, 2005. In support, petitioner submitted a copy of the amendment with a proper certificate of facsimile transmission affixed to the transmittal letter.

Under 37 C.F.R. § 1.8(a)(1) correspondence is considered timely if: (1) the correspondence is mailed or transmitted prior to expiration of the set period for response by being properly addressed to the Patent and Trademark Office as set out in 37 C.F.R. § 1.1(a) and deposited with the U.S. Postal Service with sufficient postage as first class mail or transmitted to the Patent and Trademark Office in accordance with 37 C.F.R. § 1.6(d); and (2) the correspondence includes a certificate for each piece of correspondence stating the date of deposit or transmission. The person signing the certificate should have a reasonable basis to expect that the correspondence would be mailed or transmitted on or before the date indicated.

The transmittal letter bears a proper certificate of mailing, dated September 21, 2005, in compliance with the requirements of 37 C.F.R. § 1.8(a)(1) as set forth above. In addition, the person signing the certificate, Eric Karich, had reasonable basis to expect that the correspondence would be transmitted on September 21, 2005.

In addition, petitioner has submitted an auto-reply facsimile transmission from the Office, showing that the Office received a 7 page document from Eric Karich on September 21, 2005.

It is apparent the September 21, 2005 facsimile transmission was received in the Office.

A review of the copy of the amendment and transmittal letter reveals that applicant listed an incorrect application number, filing date, examiner and art unit in the header.

Even though applicant cited the wrong application number, under MPEP 502, " 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 undersigned believes that a relatively simple review of Office records would have yielded the correct application number to enable the Office to match the September 21, 2005 correspondence with this application file. A cross-referencing of any of the accurate identifiers – the applicant's name, the invention's title, and the attorney docket number -- found on the correspondence with Office database records would have revealed the fact that applicant listed the parent application by mistake.

Therefore, the response to the June 21, 2005 non-final Office action was timely filed. Accordingly, the petition is **GRANTED**, the Notice of Abandonment is hereby vacated, and the holding of abandonment withdrawn.

After the mailing of this decision, the application file will be forwarded to Technology Center A.U. 3612 for consideration of the amendment filed September 21, 2005 and resubmitted on February 6, 2006 and March 8, 2006.

Telephone inquiries pertaining to this matter may be directed to the undersigned at (571) 272-3230.

E. Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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BROOKS KUSHMAN P.C. /Oracle America/ SUN / STK
1000 TOWN CENTER, TWENTY-SECOND FLOOR
SOUTHFIELD, MI 48075-1238

Mail Date: 04/21/2010

Applicant	: Robert K. Bissett	: DECISION ON REQUEST FOR
Patent Number	: 7577961	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/926,231	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/25/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1367** 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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THOMAS, KAYDEN, HORSTEMEYER & RISLEY, L.L.P.
100 GALLERIA PARKWAY N.W.
SUITE 1750
ATLANTA, GA 30339

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OFFICE OF PETITIONS

In re Application of	:	
Irvine et al.	:	
Application No. 10/926,234	:	ON PETITION
Filed: August 25, 2004	:	
Attorney Docket No. 11312-1230	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989).** Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3282.

Liana Chase
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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Alexandria, VA 22313-1450
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JEFFREY SALMON
WELSH AND KATZ LTD
120 SOUTH RIVERSIDE PLAZA
22ND FLOOR
CHICAGO, IL 60606

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OFFICE OF PETITIONS

In re Application of	:	
TUNG, Chung-Chi	:	
Application No. 10/926,248	:	DECISION ON PETITION
Filed: August 25, 2004	:	TO WITHDRAW
Attorney Docket No. **7887-92752**	:	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 19, 2007.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to WELSH AND KATZ LTD has been revoked by the assignee of the patent application on December 19, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **RABIN & BERDO, PC**
1101 14TH STREET, NW
SUITE 500
WASHINGTON DC 20005