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SONNENSCHEIN NATH & ROSENTHAL LLP
FOR SYMANTEC CORPORATION
P.O. BOX 061080
WACKER DRIVE STATION, SEARS TOWER
CHICAGO, IL 60606-1080

MAILED

NOV - 8 2005

Technology Center 2100

In re Application of: COOLEY
Application No. 10/979,589
Filed: November 1, 2004
For: AUTOMATIC GENERATION OF DISPOSABLE E-MAIL ADDRESSES

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

This is a response to the petition filed 06 September 2005 under 37 C.F.R. §1.102(d) and M.P.E.P. §708.02 (VIII): Accelerated Examination, to make the above-identified application special.

The Petition is **DISMISSED**.

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

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

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

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

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

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

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

In those instances where the request for this special status does not meet all the prerequisites set forth above, **applicant will be notified and the defects in the request will be stated**. The application will remain in the status of a new application awaiting action in its regular turn. In those instances where a request is defective in one or more respects, applicant will be given one opportunity to perfect the request in a renewed petition to make special. If perfected, the request will then be granted. If not perfected in the first renewed petition, any additional renewed petitions to make special may or may not be considered at the discretion of the Technology Center (TC) Special Program Examiner.

The petition filed 06 September 2005 fails to adequately meet requirements (b) and (e) of the criteria set forth above. With respect to requirement (b), applicant has failed to make the statement that "Applicant will make an election without traverse as a prerequisite to the grant of special status if the Office determines that all the claims are not obviously directed to a single invention". With respect to requirement (e), 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. Applicant fails to set forth specific claim language which distinguishes the claims from the references cited. It is also noted that in setting forth such claim language, it is not sufficient to state that essentially the entirety of the claim distinguishes the claim from the references cited.

Also, only references which are deemed most closely related should be included in the petition. Thus, it would appear that the references cited on pages 5-6 of the petition should not be included.

Petition to Make Special **DISMISSED**.

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

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

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

ds

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WACKER DRIVE STATION, SEARS TOWER
CHICAGO, IL 60606-1080

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JAN 13 2006

TECHNOLOGY CENTER 2100

In re Application of: COOLEY
Application No. 10/979,589
Filed: November 1, 2004
For: AUTOMATIC GENERATION OF DISPOSABLE E-MAIL ADDRESSES

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 27 December 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 06 September 2005. The petition was dismissed for failure to make the statement that "Applicant will make an election without traverse as a prerequisite to the grant of special status if the Office determines that all the claims are not obviously directed to a single invention" and for failure to provide a detailed discussion of the references, which discussion points out with the particularity required by 37 CFR 1.111(b) and (c), how the claimed subject matter is patentable over the references.

Applicants' submission filed 27 December 2005 corrects the deficiency noted in the original decision. The combined submissions meet all the criteria set out in the original decision. 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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ECKERT SEAMANS CHERIN & MELLOTT, LLC.
600 GRANT STREET, 44TH FLOOR
PITTSBURGH, PA 15219

Mail Date: 05/04/2010

Applicant	: Francois Meguerditchian	: DECISION ON REQUEST FOR
Patent Number	: 7613107	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 10/979,593	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/02/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1138** 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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WILLIAM COLLARD
COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN NY 11576

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OFFICE OF PETITIONS

In re Patent no. 7,139,009 :
Issued: November 21, 2006 :
Application No. 10/979,595 : ON PETITION
Filed: November 2, 2004 :
Attorney Docket No. GUROVICH 5 :

This is a decision on the petition, filed June 14, 2007, 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**.

It would not be appropriate to issue a certificate of correction listing Boris Aronovich Gurovich as an assignee. Boris Aronovich Gurovich is the inventor. Boris Aronovich Gurovich is part owner of the invention. He has conveyed part of his interest to two other individuals and has retained partial ownership rights. While the statute (35 USC 152) and regulation (37 CFR 3.81(a)) both provide for the issuance of a patent to the "assignee," there is no like provision in the statutes and regulations for issuance of a patent to the "owner."

Boris Aronovich Gurovich retains interest in the patent as an inventor, not an assignee. As stated in 37 CFR 3,81(c), "If one or more assignee(s) together with one or more inventor(s) hold the entire right, title, and interest in the application, the patent may issue in the name of the assignee(s) and the inventor(s)."

The $100.00 certificate of correction fee will be refunded to deposit account no. 03-2468.

This patented file will be returned to Files Repository

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

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

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

Attorney Docket Number 2503162-991111

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Steven Shoup

Serial No.: N/A 10/979606 Group Art Unit: N/A 1764

Filed: Herewith Examiner: Not yet assigned

Title: FRESH WATER GENERATION SYSTEM AND METHOD

DATE OF DEPOSIT: November 1, 2004

I hereby certify that this paper is being deposited with the United States Postal Service "EXPRESS MAIL Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Box PATENT APPLICATION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Cathy A. Pittman

Cathy A. Pittman

* * *

PETITION TO MAKE SPECIAL FOR INVENTIONS RELATING TO ENVIRONMENTAL QUALITY

Dear Sir/Madam:

Applicants submit this Petition to the Commissioner under 37 C.F.R. § 1.102 and M.P.E.P. 708.02(V) to make special and advance the examination of the above-identified application, because it discloses and claims inventions that materially enhance the quality of the environment of mankind by contributing to the restoration or maintenance of the basic life-sustaining natural elements, i.e., air, water and soil. Applicants submit that this Petition meets all of the requirements of 37 C.F.R. § 1.102 and M.P.E.P. 708.02(V) for a grantable petition.

The present application is directed to a fresh water generation system and method that has few moving parts, is self-sustaining and may generate some/most of its own power requirements (Pending Application at page 2, lines 12 -15). Furthermore, the system may be placed in hostile environment with little or no maintenance. (Id. at page 2, lines 15- 18) The system converts a non-potable water source, such as brackish water or sea water, into fresh drinking water. (Id. at page 2, lines 4 – 6) If a further energy source is required, the system may use solar energy or a wave energy generator. (Id. at page 5, lines 9-12) Thus, the claimed invention generates fresh

Gray Cary\EM\7156494.1
2503162-991110

PETITION GRANTED

Richard Crispino
Special Program Examiner
TC 1700

MAR - 3 2005

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DLA PIPER LLP (US)
2000 UNIVERSITY AVENUE
EAST PALO ALTO CA 94303-2248

In re Application of	:	
Steven Shoup	:	
Application No. 10/979,606	:	DECISION ON PETITION
Filed: November 1, 2004	:	
Attorney Docket No. 355539-991111	:	

This is a decision on the petition, filed April 19, 2010, under 37 CFR 1.181(a) to Withdraw Holding of Abandonment.

The petition under 37 CFR 1.181(a) is **GRANTED**.

Petitioner should note that page two (2) of the petition reference Application No. 11/788,494 instead of Application No. 10/979,606. However, the incorrect application number is being construed as the correct application number (10/979,606). If this is an incorrect interpretation, petition should notify the Office in writing.

The application was held abandoned for failure to timely reply to the Notice of Appeal filed September 17, 2009.

The petition states that a reply (Appeal Brief and five month extension/fee) was timely submitted on April 19, 2010 (April 17, 2010 being a Saturday). A review of Office records indicates receipt of the above. The Notice of Abandonment mailed March 30, 2010 was premature.

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

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

This matter is being referred to Technology Center AU 1795 for appropriate action by the Examiner in the normal course of business on the reply received April 19, 2010.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

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1457 KING ROAD
HINCKLEY OH 44233

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OFFICE OF PETITIONS

In re Application of	:	
Michael T. MCKIBBEN, et al	:	
Application No. 10/979,611	:	DECISION ON PETITION
Filed: November 2, 2004	:	TO WITHDRAW
Attorney Docket No. LEADP103USA	:	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 18, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Eric Jorgenson on behalf of the attorneys of record associated with Customer No. 57608.

The attorneys of record associated with Customer No. 57608 have been withdrawn.

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

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

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

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

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: MICHAEL T. MCKIBBEN
1676 TENDRIL COURT
COLUMBUS, OH 43229

cc: LEADER TECHNOLOGIES INCORPORATED
921 EASTWIND DRIVE, SUITE 118
WESTERVILLE, OH 43081

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DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

Law Offices of Park and Associates
Suite 1722
3600 Wilshire Blvd.
Los Angeles, CA 90010

In re application of:
Dong Woo Gim et al.
Application No. 10/979,612
Filed: November 2, 2004
For: IMAGING STABILIZER USING MICROMIRROR ARRAY LENS

DECISION ON REQUEST TO WITHDRAW FROM RECORD

This is a decision on the request to withdraw as attorney/agent of record and change of address filed on January 5, 2005.

A grantable request to withdraw as attorney/agent of record must:
(1) indicate the present mailing address of the attorney(s)/agent(s) who seek(s) to withdraw, and
(2) be signed by each attorney/agent seeking to withdraw or clearly be signed on their behalf, and
(3) be *approved* at least thirty (30) days prior to the maximum extendable period for response to any outstanding Office Action, and
(4) indicate the address to which future correspondence should be mailed.

Petitioner has satisfied the requirements for successfully requesting withdrawal. Accordingly, the request is **GRANTED.**

All of the attorneys/agents of record listed in the Request are withdrawn.

All future communications from the Office will continue to be directed to the address listed above until otherwise notified by applicant. Applicant is reminded of the obligation to promptly notify the Patent and Trademark Office of any change in correspondence address to ensure receipt of all communications from the Office.

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

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SABIC Innovative Plastics – IP Legal
One Plastics Avenue
Pittsfield, MA 01201-3697

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OFFICE OF PETITIONS

In re Application of :
Huipin Zhang et al. :
Application No. 10/979,614 :
Filed: November 2, 2004 :
Attorney Docket No. 144722-2 :

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 21, 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.

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

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 March 14, 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 (RCE) and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). *See* MPEP 711.03(c)(III)(A)(2). Since the reply submitted does not *prima facie* place the application in condition for allowance for the reasons stated on the attached Examiner's Advisory Action, the reply required must be a Notice of Appeal (and appeal fee), RCE, or the filing of a continuing application under 37 CFR 1.53(b).

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

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

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

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

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

Frances Hicks

Frances Hicks
Petitions Examiner
Office of Petitions

Attachment: Courtesy copy of advisory action

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/979,614	Applicant(s) ZHANG ET AL.	
	Examiner David Buttner	Art Unit 1796	

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

THE REPLY FILED 21 September 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 s ame 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 o f Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☐ The period for reply expires _____months from the mailing date of the final rejection.
   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) the date 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 o f 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 reje cted claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL -324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: *11-29 and 31*.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a fin al 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: did not disclaim proper serial number.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

DAVID J. BUTTNER
PRIMARY EXAMINER

David Buttner

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Pittsfield, MA 01201-3697

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OFFICE OF PETITIONS

In re Application of :
Huipin Zhang et al. :
Application No. 10/979,614 :
Filed: November 2, 2004 :
Attorney Docket No. 144722-2 :

ON PETITION

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed December 21, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the final Office action mailed, March 14, 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 June 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 a Notice of Appeal and fee of $510.00, (2) the petition fee of $1500.00; and (3) a proper statement of unintentional delay.

The two-month period for filing an appeal brief under 37 CFR 41.37 (accompanied by the fee required by 37 CFR 41.20(b)(2)), runs from the date of this decision.

Since a renewed petition under 37 CFR 1.137(b) does not require a further petition fee, the $1,540 fee submitted on December 21, 2007 will be refunded to petitioner's deposit account.

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

This application is being referred to Technology Center AU 1796 to await the filing of an appeal brief or for such other appropriate reply as may be submitted to continue prosecution of the application.

Andrea Smith
Petitions Examiner
Office of Petitions

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Paper No. 012605

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3600 WILSHIRE BLVD.
LOS ANGELES, CA 90010

FEB 23 2005

In re Application of:	:	
GYOUNG II CHO et al.	:	
Serial No.: 10/979,624	:	DECISION ON REQUEST TO WITHDRAW
Filed: November 2, 2004	:	FROM RECORD
Attorney Docket No.: **1802.19**	:	

This is a decision on the request to withdraw as attorney/agent of record under 37 C.F.R. § 1.36, filed January 05, 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 George W. Luckhart, on behalf of himself. There is no outstanding Office action at this time.

The request is **APPROVED**.

The law firm of Parks and Associates remains of record at this time.

All future communications from the Office will continue to be directed to Parks and Associates, at the below address, until otherwise notified by applicant.

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

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

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SCULLY SCOTT MURPHY & PRESSER, PC
400 GARDEN CITY PLAZA
SUITE 300
GARDEN CITY NY 11530

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APR 08 2008

OFFICE OF PETITIONS

In re Application of	:	
Guha et al.	:	
Application No. 10/979,633	:	DECISION ON PETITION
Filed: November 2, 2004	:	
Attorney Docket No. YOR920020236US1	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 3, 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 2826 for further examination on the merits.

Liana Walsh
Petitions Examiner
Office of Petitions

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APR 29 2005

MYRIAD GENETICS INC.
INTELLECUTAL PROPERTY DEPARTMENT
320 WAKARA WAY
SALT LAKE CITY UT 84108

In re Application of Peter Steck et al Serial No.: 10/979,642 Filed: November 1, 2004 Attorney Docket No.: 1203.05	: PETITION TO MAKE SPECIAL

This is in response to the petition filed April 4, 2005, to make the above-identified application special under the provisions of 37 CFR 1.102(d).

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

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

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

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

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BARNES & THORNBURG LLP
P.O. BOX 2786
CHICAGO, IL 60690-2786

Mail Date: 05/03/2010

Applicant	: Ian Andrew Abraham	: DECISION ON REQUEST FOR
Patent Number	: 7612975	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 10/979,658	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/14/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **269** 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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BARNES & THORNBURG LLP
P.O. BOX 2786
CHICAGO IL 60690-2786

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OFFICE OF PETITIONS

In re Application of	:	
Klein et al.	:	
Application No. 10/979,659	:	DECISION ON PETITION
Filed: October 14, 2004	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 920229-96505	:	37 CFR 1.102(d)
	:	

This is a decision on the petition under 37 CFR §1.102(d), filed July 24, 2006, to make the above-identified application special based on actual infringement as set forth in M.P.E.P. § 708.02, Section II.

The petition is **GRANTED.**

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

> (A) That there is an infringing device or product actually on the market or method in use;
>
> (B) That a rigid comparison of the alleged infringing device, product, or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed; and
>
> (C) That he or she has made or caused to be made a careful and thorough search of the prior art or has a good knowledge of the pertinent prior art.
>
> Applicant must provide one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record.

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

Telephone inquiries concerning this decision should be directed to Ramesh Krishnamurthy at 571-272-4914, or 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 3728 for action on the merits commensurate with this decision.

David Bucci
Petitions Examiner
Office of Petitions

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BARNES & THORNBURG LLP
11 SOUTH MERIDIAN
INDIANAPOLIS, IN 46204

Mail Date: 05/07/2010

Applicant	: Dennis K. Dawes	: DECISION ON REQUEST FOR
Patent Number	: 7617690	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 10/979,663	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/02/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1013** 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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LOCKE LIDDELL &SAPP LLP
600 TRAVIS
3400 CHASE TOWER
HOUSTON, TX 77002-3095

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JUN 19 2006

OFFICE OF PETITIONS

In re Application of	:	
Bruce A. Crawford	:	
Application No. 10/979,666	:	DECISION ON PETITION
Filed: November 2, 2004	:	TO WITHDRAW
Attorney Docket No. 021864-007US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed February 23, 2006.

The request is **APPROVED**.

A review of the file record indicates that: Albert Deaver(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, Albert Deaver in addition to the attorneys associated with customer no. **22904** has been withdrawn from the present application and may not prepare or submit papers under 37 C.F.R. § 1.34, or correspond in any manner in this application unless appointed in an acceptable power of attorney under 37 C.F.R. § 1.32(b).

All future communications from the Office will be directed to the sole inventor Bruce A. Crawford at the **below** address until otherwise properly notified by the applicant/assignee.

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

This application is being referred to Technology Center AU 3723 to await a reply to the Non-final Office action mailed April 6, 2006.

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

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

Conferee: JF

cc:
BRUCE A. CRAWFORD
SMARTOOLZ
4307 CLAYTON DRIVE
COOKEVILLE TN 38506

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Lahive & Cockfield, LLP
28 State Street
Boston, MA 02109

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MAR 1 5 2005

OFFICE OF PETITIONS

In re Application of	:	
Michael J. May, et al.	:	
Application No. 10/979,683	:	DECISION GRANTING
Filed: November 1, 2004	:	PETITION
Attorney Docket No. YAI-001CPDV	:	

This is a decision on the petition filed February 22, 2005, requesting that the above-identified application be accorded a filing date of November 1, 2004, rather than the presently accorded date of November 2, 2004. The petition is properly treated as a petition under 37 CFR 1.10(c).

The petition is **GRANTED**.

Petitioner alleges that the application was deposited in Express Mail Service on November 1, 2004. In support, the petition is accompanied by a copy of Express Mail receipt No. EV419932163US, showing a "date-in" of November 1, 2004, which also contains a U. S. Postal Service (USPS) date stamp of November 1, 2004. The same Express Mail receipt number was referred to in the original application papers found in the file.

The Office considers the date the paper or fee shown as deposited as "Express Mail" to be the "date-in" on the Express Mail label. See MPEP 513. That is the date that verifies that the package was actually mailed. The evidence is convincing that the application was deposited as "Express Mail" with the USPS on November 1, 2004 and the filing date of the application will be accorded such.

This application file is being forwarded to the Office of Initial Patent Examination Division for further **processing with a filing date of November 1, 2004.** Thereafter, the application file will be forwarded to Technology Center 1600 for examination in due course.

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

Marianne E. Jenkins

Marianne E. Jenkins
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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TEXAS INSTRUMENTS INCORPORATED
P.O. BOX 655474, M/S 3999
DALLAS, TX 75265

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MAR 2 5 2005

OFFICE OF PETITIONS

In re Application of	:	
Mahalingam Nandakumar, et al.	:	
Application No. 10/979,693	:	DECISION GRANTING
Filed: November 1, 2004	:	PETITION
Attorney Docket No. TI-33314	:	

This is a decision on the petition filed February 3, 2005, requesting that the above-identified application be accorded a filing date of November 1, 2004, rather than the presently accorded date of November 2, 2004. The petition is properly treated as a petition under 37 CFR 1.10(c).

The petition is **GRANTED**.

Petitioner alleges that the application was deposited in Express Mail Service on November 1, 2004. In support, the petition is accompanied by a copy of Express Mail receipt No. EV 333318982 US, showing a "date-in" of November 1, 2004. The same Express Mail receipt number was referred to in the original application papers found in the file.

The Office considers the date the paper or fee shown as deposited as "Express Mail" to be the "date-in" on the Express Mail label. See MPEP 513. That is the date that verifies that the package was actually mailed. The evidence is convincing that the application was deposited as "Express Mail" with the U. S. Postal Service on November 1, 2004 and the filing date of the application will be accorded such.

This application file is being forwarded to the Office of Initial Patent Examination Division for further **processing with a filing date of** November 1, 2004. Thereafter, the application file will be forwarded to Technology Center 2812 for examination in due course.

Telephone inquiries concerning this matter may be directed to Retta Williams at (571) 272-3229.

Marianne E. Jenkins
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/979,694	11/01/2004	2811	920	TI-37195	3	19	2

CONFIRMATION NO. 6403

UPDATED FILING RECEIPT

OC000000015066801

Yingsheng Tung
Texas Instruments Incorporated
MS 3999
P.O. Box 655474
Dallas, TX 75265

Date Mailed: 01/31/2005

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Akira Matsunami, Beppu-city, JAPAN;

Power of Attorney: The patent practitioners associated with Customer Number **23494**.

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 12/10/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/979,694

Projected Publication Date: 05/04/2006

Non-Publication Request: No

Early Publication Request: No

Title

Flexible leaded stacked semiconductor package

Preliminary Class

257

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

GRANTED

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

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

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

NOT GRANTED

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

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FEB 8 2005

Paper No. 122304

HAHN LOESER & PARKS, LLP
ONE GOJO PLAZA, SUITE 300
AKRON, OH 44311-1076

In re Application of:	:	
MYER HECHT	:	DECISION ON PETITION
Serial No.: 10/979,717	:	TO MAKE SPECIAL
Filed: November 02, 2004	:	
Attorney Docket No.: 116010.00005	:	

This is a decision on the petition under 37 C.F.R. § 1.102(c), filed November 21, 2004 and supplemental petition filed August 28, 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 petitions include a driver's license copy and declaration from the inventor, Lewis T. Smole, stating that he is sixty-five (65) years of age or more.

Accordingly, the petition is GRANTED.

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

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

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

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WILLIAM REDVERS BELISLE
7901 LAFOURCHE ST.
NEW ORLEANS, LA 70127

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OFFICE OF PETITIONS

In re Application of :
William R. Belisle :
Application No. 10/979,723 : ON PETITION
Filed: November 3, 2004 :
Attorney Docket No. None :

This is a decision on the petition, filed July 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 failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of November 29, 2006. A Notice of Abandonment was mailed on June 22, 2007. In response, on July 11, 2007, the present petition was filed.

The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2).

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a continuing application under 37 CFR 1.53(b); (2) the petition fee of $750; and (3) an adequate 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. 11/827,433 filed July 11, 2007.

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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C/O KEATING & BENNETT, LLP
8180 GREENSBORO DRIVE
SUITE 850
MCLEAN VA 22102

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DEC 1 4 2007

OFFICE OF PETITIONS

In re Application of	:	
Shinsuke Saida et al	:	
Application No. 10/979,724	:	DECISION GRANTING PETITION
Filed: November 2, 2004	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 70404.38	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed December 13, 2007, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on November 16, 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 1772 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

---

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

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JONES TULLAS & COOPER, P.C.
P.O. BOX 2266 EADS STATION
ARLINGTON, VA 22202

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JAN 19 2010

OFFICE OF PETITIONS

In re Patent No. 6,962,271 :
Issue Date: November 8, 2005 :
Application No. 10/979,753 : ON PETITION
Filed: November 3, 2004 :
Patentee(s) Kenneth Robert Gregson Jr. :

This is a decision on the petition under 37 CFR 1.378(c), filed November 16, 2009, to accept the delayed payment of a maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is hereby accepted and the above-identified patent is reinstated as of the mail date of this decision.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. In the event that such an inquiry has been made, petitioner must make such an inquiry. If such inquiry results in the discovery that the delay in paying the maintenance fee under 37 CFR 1.378(c) was intentional, petitioner must notify the Office.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

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

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Edward F. Caja
1660 West 2nd Street, Suite 1100
Cleveland, OH 44113-1448

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COLGATE-PALMOLIVE COMPANY
909 RIVER ROAD
PISCATAWAY NJ 08855

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OFFICE OF PETITIONS

In re Application of	:	
Dale Scott SCHERL, et al	:	
Application No. 10/979,757	:	DECISION ON PETITION
Filed: November 3, 2004	:	
Attorney Docket No. 7347-00-HL	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 3, 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, November 27, 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 February 28, 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 $1540; and (3) the required statement of unintentional delay.

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

This application is being referred to Technology Center AU 1615 for appropriate action by the Examiner in the normal course of business on the reply received September 3, 2008.

Thurman Page
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/979,764	11/03/2004	Tsutomu Ohzuku	43888-343	3984

20277 7590 10/28/2008
MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON, DC 20005-3096

EXAMINER
RUTHKOSKY, MARK

ART UNIT	PAPER NUMBER
1795	

MAIL DATE	DELIVERY MODE
10/28/2008	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

caf

10-28-08

Mailed :
In re Application of
OHZUKU et al.
Serial No. 10/979,764
Filed: November 3, 2004
For: NON-AQUEOUS ELECTROLYTE SECONDARY BATTERY

DECISION ON PETITION

This is a decision on the PETITION FOR SUPERVISORY REVIEW UNDER 37 CFR §1.181 filed March 19, 2008.

On April 11, 2007 an amendment was filed. Claims 19-31 were added by this amendment. On October 19, 2007 a final rejection was issued wherein applicants were held to constructive election and claims 19-31 were withdrawn from consideration. On January 22, 2008 a request for reconsideration was filed wherein applicants traversed the restriction requirement. On February 14, 2008 an advisory action was mailed wherein the restriction requirement was maintained. On March 19, 2008 a Request for Continued Examination was filed. On May 30, 2008 a non-final action was issued. In this office action the restriction was maintained. On August 27, 2008 applicants responded to the office action, again traversing the restriction requirement.

Applicant's position for the withdrawal of the restriction requirement is that examination of the non-elected claims would not impose a serious burden because the limitations of claim 19 have been previously considered by the examiner.

DECISION

MPEP states:

803 Restriction - When Proper

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

806.04(f) **>Restriction Between< Mutually Exclusive *>Species< [R-3]

Where two or more species are claimed, a requirement for restriction to a single species may be proper if the species are mutually exclusive. Claims to different species are mutually exclusive if one claim recites limitations disclosed for a first species but not a second, while a second claim recites limitations disclosed only for the second species and not the first. This may also be expressed by saying that to require restriction between claims limited to species, the claims must not overlap in scope.

In making the restriction final the examiner states: "By requiring the different species with different formulae, specific particle sizes and combined with a titanium dioxide spinel structure, the species require further search, consideration and imposes a serious burden on the examination. The allegation of serious burden appears to be unfounded. The examiner rejected claims 1, 4 and 7 over Kumar et al. (US 6,749,648) and has stated in the office action that the reference teaches the limitations of claim 4 and 7. The limitations of these claims are the limitations that were combined with part of claim 1 to create withdrawn claim 19. Thus, these limitations were previously considered. The position of the examiner is unreasonable.

Further, it is submitted that the alleged species covered by claim 19 is not mutually exclusive to the invention of claim 4. Claim 19 is encompassed by the scope of claim 4 and thus is not mutually exclusive as is required by MPEP 806.04(f).

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

/JACQUELINE STONE/

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

MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON DC 20005-3096

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FAEGRE & BENSON LLP
PATENT DOCKETING - INTELLECTUAL PROPERTY
2200 WELLS FARGO CENTER
90 SOUTH SEVENTH STREET
MINNEAPOLIS, MN 55402-3901

Mail Date: 04/20/2010

Applicant	: Joseph Andrew Chinn	: DECISION ON REQUEST FOR
Patent Number	: 7641687	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/979,767	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/02/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **590** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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www.uspto.gov

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

Mail Date: 04/20/2010

Applicant	: Chung-Hung Tsai	: DECISION ON REQUEST FOR
Patent Number	: 7580211	: RECALCULATION of PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/979,769	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/02/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1303** 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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ALTERA LAW GROUP, LLC
6500 CITY WEST PARKWAY
SUITE 100
MINNEAPOLIS MN 55344-7704

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AUG 16 2006

OFFICE OF PETITIONS

In re Application of	:	
Shebuski, et al.	:	
Application No. 10/979,771	:	DECISION ON PETITION
Filed: November 1, 2004	:	TO WITHDRAW
Attorney Docket No. 01875.0002-US-U1	:	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 3, 2006.

The request is **APPROVED**.

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

The request was signed by David H. Carroll on behalf of all attorneys of record who are associated with customer No. 22865.

All attorneys/agents associated with the Customer Number 22865 have been withdrawn.

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

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

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

Amelia Au
Petitions Examiner
Office of Petitions

cc: Ronald John Shebuski
12649 East Shore Road
Bergland, MI 49910

cc: QuestStar Medical, Inc.
10180 Viking Drive
Minneapolis, MN 55344

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MINNEAPOLIS, MN 55344-7704

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APR 19 2005

OFFICE OF PETITIONS

In re Application of	:	
Hiroshi Nomura	:	DECISION GRANTING
Application No. 10/979,772	:	PETITION
Filed: November 1, 2004	:	
Attorney Docket No. 01875.0003-US-U1	:	

This is a decision on the petition under 37 CFR 1.10(c), filed March 2, 2005, requesting that the above-identified application be accorded a filing date of November 1, 2004, rather than the presently accorded filing date of November 2, 2004.

Applicant requests the earlier filing date on the basis that the application was purportedly deposited with the U.S. Postal Service (USPS) as Express Mail on November 1, 2004, pursuant to the requirements of 37 CFR 1.10. In support, applicant provided, inter alia, a copy of the Express Mail label, receipt No. EV600106405US, showing a Date-In of November 1, 2004. The same Express Mail number found on the original application papers located in the official file.

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 application was deposited as "Express Mail" with the US Postal Service on November 1, 2004. Accordingly, the instant application is entitled to a filing date of November 1, 2004, and has been so accorded.

The petition is granted.

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.

Frances Hicks

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

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OFFICE OF PETITIONS

Altera Law Group, LLC
6500 City West Parkway
Suite 100
Minneapolis, MN 55344-7704

In re Application of :

Hiroshi Nomura :
Application No. 10/979,772 : DECISION ON PETITION
Filed: November 1, 2004 : TO WITHDRAW
Attorney Docket No. 01875.0003-US-U1 : 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 3, 2006.

The request is **APPROVED**.

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

The request was signed by David H. Carroll on behalf of all attorneys of record who are associated with Customer No. 22865.

All attorneys/agents associated with the Customer No. 22865 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. The 3.73(b) filed is missing the Reel and Frame numbers. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

There is no outstanding Office action at this time.

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

Terri Williams

David Bucci for
Petitions Examiner
Office of Petitions

cc: **Hiroshi Nomura**
19240 McKinley Court
Shorewood, MN 55331

cc: **QuestStar Medical, Inc.**
10180 Viking Drive
Minneapolis, MN 55344

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/979,772	11/01/2004	Hiroshi Nomura	01875.0003-US-U1

CONFIRMATION NO. 2254

OC000000021031584

OC000000021031584

22865
ALTERA LAW GROUP, LLC
6500 CITY WEST PARKWAY
SUITE 100
MINNEAPOLIS, MN 55344-7704

Date Mailed: 10/30/2006

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/03/2006.

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

Terri S. Williams

TERRI S WILLIAMS
OP (571) 272-2991

FORMER ATTORNEY/AGENT COPY

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SHUMAKER & SIEFFERT, P. A.
1625 RADIO DRIVE, SUITE 300
WOODBURY, MN 55125

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DEC 12 2008

OFFICE OF PETITIONS

In re Application of	:	
SWARTZLANDER, et al.	:	
Application No. 10/979,775	:	DECISION GRANTING PETITION
Filed: November 2, 2004	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **1012-003US01**	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed December 8, 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 November 4, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 2193 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Monica A. Graves/
Petitions Examiner
Office of Petitions

---

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

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SUITE 100
MINNEAPOLIS MN 55344-7704

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AUG 1 8 2006
OFFICE OF PETITIONS

In re Application of

Hiroshi NOMURA
Application No. 10/979,776
Filed: November 1, 2004
Attorney Docket No. 01875.0001-US-U1

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 3, 2006.

The request is **APPROVED**.

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

The request was signed by David H. Carroll on behalf of all attorneys of record who are associated with customer No. 22865.

All attorneys/agents associated with the Customer Number 22865 have been withdrawn.

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

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

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

David Bucci
Petitions Examiner
Office of Petitions

cc: Hiroshi Nomura
19240 McKinley Court
Shorewood, MN 55331

cc: QuestStar Medical, Inc.
10180 Viking Drive
Minneapolis, MN 55344

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/979,776	11/01/2004	Hiroshi Nomura	01875.0001-US-U1

CONFIRMATION NO. 3896

OC000000020000039

22865
ALTERA LAW GROUP, LLC
6500 CITY WEST PARKWAY
SUITE 100
MINNEAPOLIS, MN 55344-7704

Date Mailed: 08/14/2006

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/03/2006.

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

MONICA A GRAVES
OP (571) 272-7253

FORMER ATTORNEY/AGENT COPY

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

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APR 23 2008

OFFICE OF PETITIONS

In re Application of	:	
Debra A. Schwinn et al	:	
Application No. 10/979,816	:	DECISION GRANTING PETITION
Filed: November 3, 2004	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 1579-944	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed April 21, 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 February 29, 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 1634 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

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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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Morrison & Foerster LLP
755 Page Mill Road
Palo Alto, CA 994304-1018

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OFFICE OF PETITIONS

In re Application of

Huafeng Wen
Application No. 10/979,823
Filed: November 2, 2004
Attorney Docket No. 58468200100

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 12, 2006.

The request is **APPROVED**.

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

The request was signed by Charles Holland on behalf of all attorneys of record.

All attorneys/agents have been withdrawn.

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

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

There is no outstanding Office action.

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

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Huafeng Wen**
2117 Gossamer Avenue
Redwood City, CA 94065

cc: **Tom Counts**
Paul Hastings
55 Second Street, 24th Floor
San Francisco, CA 94105

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/979,823	11/02/2004	Huafeng Wen	584682000100

CONFIRMATION NO. 4592

OC000000021970029

OC000000021970029

25226
MORRISON & FOERSTER LLP
755 PAGE MILL RD
PALO ALTO, CA 94304-1018

Date Mailed: 01/12/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/12/2006.

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

Terri S Williams

TERRI S WILLIAMS
OP (571) 272-2991

FORMER ATTORNEY/AGENT COPY

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DEC 2 1 2006

OFFICE OF PETITIONS

In re Application of
WEN
Application No. 10/979,824
Filed: November 2, 2004
Attorney Docket No. 584682000400

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 12, 2006.

The request is **APPROVED**.

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

The request was signed by Charles D. Holland on behalf of all attorneys of record who are associated with customer No. 25226. All attorneys/agents associated with the Customer Number 25226 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

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

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **HUAFENG WEN**
2117 GOSSAMER AVENUE
REDWOOD CITY, CA 94065

cc: **TOM COUNTS**
PAUL HASTINGS
55 SECOND STREET, 24TH FLOOR
SAN FRANCISCO, CA 94105

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/979,824	11/02/2004	Huafeng Wen	584682000400

CONFIRMATION NO. 4590

OC000000021690098

25226
MORRISON & FOERSTER LLP
755 PAGE MILL RD
PALO ALTO, CA 94304-1018

Date Mailed: 12/21/2006

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/12/2006.

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

MONICA A GRAVES
OP (571) 272-7253

FORMER ATTORNEY/AGENT COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

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SCOTT A FELDER
US ARMY CORPS OF ENGINEERS
HUMPHREYS ENGINEER CENTER CEHEC-OC (KINGMAN BLD)
7701 TELEGRAPH ROAD
ALEXANDRIA VA 22315-3860

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MAR 30 2009

OFFICE OF PETITIONS

In re Application of	:	
Larson, et al.	:	
Application No. 10/979,834	:	ON PETITION
Filed: November 3, 2004	:	
Attorney Docket No. COE-588	:	

This is a decision on the petition under 37 CFR 1.137(a), filed March 5, 2009, requesting that the above-identified abandoned application be revived on the basis of unavoidable delay.

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 to the final Office action mailed July 2, 2008. This Office action set a shortened statutory period for reply of three (3) months. No extensions of time under 37 CFR 1.136(a) were obtained. No reply having been received, the application became abandoned on October 3, 2008. The Office mailed a Notice of Abandonment on February 13, 2009.

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(l); (3) a showing to the satisfaction of the Commissioner that the entire delay in filing

the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c). 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]

Moreover, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable."[2]

Petitioner has stated that the Office action was "mis-directed within the Corps of Engineers headquarters to the office of a former employee and the personnel in that office did not notify anyone in the correct office of the existence of the office action" until February, 2009. In reviewing the file, it is apparent that the Office action was mailed to the correspondence address of record - the same address that all prior correspondence had been addressed to. Petitioner has not shown why personnel in the office of the former employee were unavoidably prevented from forwarding the Office action to the correct office.

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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).

[2] Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

In addition, according to petitioner, the attorney who filed the application incorrectly used his name rather than the customer number. However, the Patent and Trademark Office must rely on the actions or inactions of duly authorized and voluntarily chosen representatives of the applicant, and petitioner is bound by the consequences of those actions or inactions. Link v. Wabash, 370 U.S. 626, 633-34 (1962); Huston v. Ladner, 973 F.2d 1564, 1567, 23 USPQ2d 1910, 1913 (Fed. Cir. 1992); Smith v. Diamond, 209 USPQ 1091, 1093 (D.D.C. 1981). As such, such error can not be characterized as unavoidable within the meaning of 37 C.F.R. § 1.137(a).

Alternative Venue and Other Matters:

While the showing of record is not sufficient to establish to the satisfaction of the Commissioner that the delay was unavoidable, petitioner is not precluded from obtaining relief by filing a petition pursuant to **37 CFR 1.137(b)** on the basis of **unintentional** delay. A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by (1) The reply required to the outstanding Office action or notice, unless previously filed; (2) The petition fee as set forth in 37 CFR 1.17(m); and (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional.

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

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

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

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

Cliff Congo
Petitions Attorney
Office of Petitions

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Commissioner for Patents
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HUMPHREYS ENGINEER CENTER CEHEC-OC (KINGMAN BLD)
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OFFICE OF PETITIONS

In re Application of	:	
Larson, et al.	:	
Application No. 10/979,834	:	ON PETITION
Filed: November 3, 2004	:	
Attorney Docket No. COE-588	:	

This is a decision on the petition to revive under 37 CFR 1.137(b), filed April 10, 2009.

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

The above-identified application became abandoned for failure to timely file a reply to the final Office action mailed July 2, 2008. This Office action set a shortened statutory period for reply of three (3) months. No extensions of time under 37 CFR 1.136(a) were obtained. No reply having been received, the application became abandoned on October 3, 2008. The Office mailed a Notice of Abandonment on February 13, 2009. Applicants filed a petition to revive under 37 CFR 1.137(a) on March 5, 2009. However, the petition was dismissed in a decision mailed on March 30, 2009.

With the instant petition, petitioner paid the petition fee, made the proper statement of unintentional delay, and submitted the required reply to the final Office action in the form of an Amendment.

The application is being forwarded to Group Art Unit 3711 for consideration of the Amendment filed April 10, 2009.

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

Cliff Congo
Petitions Attorney
Office of Petitions

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Scott A. Felder
US Army Corps of Engineers
Humphreys Engineer Center, CEHEC-OC (Kingman Bld.)
7701 Telegraph Road
Alexandria, VA 22315-3860

Mail Date: 04/21/2010

Applicant	: Steven L. Larson	: DECISION ON REQUEST FOR
Patent Number	: 7571912	: RECALCULATION of PATENT
Issue Date	: 08/11/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/979,834	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/03/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **754** 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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KENYON & KENYON LLP
1500 K STREET N.W.
WASHINGTON, DC 20005

Mail Date: 04/21/2010

Applicant	: Michael Danninger	: DECISION ON REQUEST FOR
Patent Number	: 7644358	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/979,836	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/01/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **327** 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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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

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OFFICE OF PETITIONS

In re Application of	:	
James F. Zucherman, et al.	:	
Application No. 10/979,841	:	DECISION ON PETITION
Filed: November 2, 2004	:	TO WITHDRAW
Attorney Docket No. 31132.789	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 10, 2007.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Townsend and Townsend and Crew, LLP has been revoked by the assignee of the patent application on January 7, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

Telephone inquires concerning this decision should be directed to undersigned at 571-272- 1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: DAVID L. MCCOMBS
HAYNES AND BOONE, LLP
2505 N. PLANO ROAD
SUITE 4000
RICHARDSON, TX 75082

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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KELLY LOWRY & KELLEY, LLP
6320 CANOGA AVENUE
SUITE 1650
WOODLAND HILLS CA 91367

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JUL 2 0 2007

OFFICE OF PETITIONS

In re Application of Willat et al. :
Application No. 10/979,847 : Decision on Petition
Filing Date: November 1, 2004 :
Attorney Docket No. 46486-Willat :

This is a decision on the petition filed December 22, 2006, under 37 CFR 1.181 to withdraw the holding of abandonment of the above-identified application.

The petition is **dismissed.**

Facts:

The Office mailed a Notice of Allowance on December 16, 2005. The Notice required the submission of the issue fee ($700) and publication fee ($300) within three months of the mailing date of the Notice.

On January 30, 2006, the Office mailed a letter to petitioner indicating the application had been withdrawn from issuance pursuant to 37 CFR 1.313. The letter included the following language,

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

As of January 30, 2006, the issue fee had not been paid.

On February 1, 2006, petitioner mailed the Issue Fee transmittal form, the issue fee, the publication fee, and $30 for copies of the patent.

The Office received the transmittal form and check for $1,030 on February 3, 2006.

The Office deposited the $1,030 check.

Since the application had been withdrawn from issuance prior to payment of the issue fee, the Office took steps to refund the fee.

On or about March 23, 2006, the sum of $1,030 was electronically transferred to petitioner's bank account.

The Office mailed a new Notice of Allowance on June 28, 2006. The Notice required the submission of the issue fee and publication fee within three months of the mailing date of the Notice.

The issue fee transmittal form was filed July 31, 2006. The issue fee transmittal form was not accompanied by a payment for the issue fee and publication fee. Instead, the issue fee transmittal form included the language, "SEE ATTACHED - ALL FEES PAID PREVIOUSLY." The documents attached to the issue fee transmittal form were a copy of the prior check, a copy of a postcard receipt showing receipt of the prior check, and a copy of the Office action withdrawing the application from issuance.

A Notice of Abandonment was mailed November 9, 2006.

Discussion:

The application is abandoned unless petitioner proves the Office acted incorrectly in refunding the issue fee and publication fee.

On January 30, 2006, the Office mailed a letter to petitioner indicating the application had been withdrawn from issuance pursuant to 37 CFR 1.313. The portion of the letter relied upon by petitioner follows language in the letter stating, "If the issue fee has been submitted." The words, "has been," indicate the following language applies to situations where the issue fee was paid on or before January 30, 2006.

MPEP 1308 states, with emphasis added,

> If an application has been withdrawn from issue **after** the payment of the issue fee and the application is again found allowable, see MPEP § 1306 regarding request to reapply a previously paid issue fee toward the issue fee that is now due in the same application.

The instant application was withdrawn from issue **before** payment of the issue fee or publication fee.

For the reasons above, the Office did not act incorrectly when it refunded the $1,030.

The issue fee and publication fee were not submitted after the mailing of the second Notice of Allowance. Therefore, the application is abandoned.

If petitioner cannot provide the evidence necessary to establish unavoidable delay, or simply does not wish to, petitioner may wish to consider filing a petition to revive under 37 CFR 1.137(a). The petition under 37 CFR 1.137(a) should include payment of $700 for the issue fee, $300 for the publication fee, and $250 for the petition fee.

A copy of a blank petition under 37 CFR 1.137(a) form is enclosed for petitioner's convenience.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are NOT permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

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

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

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

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

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

Attached: Form PTO/SB/64 (Petition Form)
Privacy Act Notice

PTO/SB/61 (04-07)
Approved for use through 09/30/2007. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)	Docket Number (Optional)

First Named Inventor: Art Unit:

Application Number: Examiner:

Filed:

Title:

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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

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

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.

NOTE: A grantable petition requires the following items:

(1) Petition fee.
(2) Reply and/or issue fee.
(3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
(4) Adequate showing of the cause of unavoidable delay.

1. Petition fee

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

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

2. Reply and/or fee

A The reply and/or fee to the above-noted Office action in the form of _____ (identify the type of reply):

☐ has been filed previously on _____ .

☐ is enclosed herewith.

B The issue fee of $ _____

☐ has been filed previously on _____ .

☐ is enclosed herewith.

This collection of information is required by 37 CFR 1.137(a). 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 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)

3. Terminal disclaimer with disclaimer fee

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

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

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

WARNING:

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

Signature	Date
Typed or printed name	Registration Number, if applicable
Address	Telephone Number
Address	

Enclosure
☐ Fee Payment
☐ Reply
☐ Terminal Disclaimer Form
☐ Additional sheets containing statements establishing unavoidable delay
☐ _____

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

I hereby certify that this correspondence is being:

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

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

Date	Signature
	Typed or printed name of person signing certificate

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

Signature	Date
Typed or printed name	Registration Number, if applicable

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

(Please attach additional sheets if additional space is needed.)

Privacy Act Statement

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

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

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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WOODLAND HILLS CA 91367

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OFFICE OF PETITIONS

In re Application of Willat et al. :
Application No. 10/979,847 : Decision on Petition
Filing Date: November 1, 2004 :
Attorney Docket No. 46486-Willat :

This is a decision on the petition under 37 CFR 1.137(b), filed July 25, 2007, to revive the above-identified application.

The petition is **granted**.

Facts:

The Office mailed a Notice of Allowance on December 16, 2005. The Notice required the submission of the issue fee ($700) and publication fee ($300) within three months of the mailing date of the Notice.

On January 30, 2006, the Office mailed a letter to petitioner indicating the application had been withdrawn from issuance pursuant to 37 CFR 1.313. The letter included the following language,

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

As of January 30, 2006, the issue fee had not been paid.

On February 1, 2006, petitioner mailed the Issue Fee transmittal form, the issue fee, the publication fee, and $30 for copies of the patent.

The Office received the transmittal form and check for $1,030 on February 3, 2006.

The Office deposited the $1,030 check.

Since the application had been withdrawn from issuance prior to payment of the issue fee, the Office took steps to refund the fee.

On or about March 23, 2006, the sum of $1,030 was electronically transferred to petitioner's bank account.

The Office mailed a new Notice of Allowance on June 28, 2006. The Notice required the submission of the issue fee and publication fee within three months of the mailing date of the Notice.

The issue fee transmittal form was filed July 31, 2006. The issue fee transmittal form was not accompanied by a payment for the issue fee and publication fee. Instead, the issue fee transmittal form included the language, "SEE ATTACHED - ALL FEES PAID PREVIOUSLY." The documents attached to the issue fee transmittal form were a copy of the prior check, a copy of a postcard receipt showing receipt of the prior check, and a copy of the Office action withdrawing the application from issuance.

A Notice of Abandonment was mailed November 9, 2006.

Discussion:

The instant petition requests revival of the application.

Petitioner has submitted the required petition fee of $750.

Petitioner has submitted a reply to the Notice of Allowance in the form of $700 for the issue fee and $300 for the publication fee. A completed form PTOL-85b was previously submitted on July 31, 2006.

Petitioner has stated the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

Since petitioner has satisfied all the requirements of 37 CFR 1.137(b), the petition is granted and the application revived.

The Office of Publications will be informed of the instant decision and will take steps to have the application issued as a patent in due course.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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Alexandria, VA 22313-1450
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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

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OFFICE OF PETITIONS

In re Application of :
James F. Zucherman, et al. :
Application No. 10/979,850 : DECISION ON PETITION
Filed: November 2, 2004 : TO WITHDRAW
Attorney Docket No. 31132.7762 : FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 10, 2007.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Townsend and Townsend and Crew, LLP has been revoked by the assignee of the patent application on January 7, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

Telephone inquires concerning this decision should be directed to undersigned at 571-272- 1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: DAVID L. MCCOMBS
HAYNES AND BOONE, LLP
2505 N. PLANO ROAD
SUITE 4000
RICHARDSON, TX 75082

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WOODCOCK WASHBURN LLP (MICROSOFT CORPORATION)
CIRA CENTRE, 12TH FLOOR
2929 ARCH STREET
PHILADELPHIA PA 19104-2891

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In re Application of	:	
Mak	:	
Application No. 10/979,855	:	DECISION ON PETITION
Filed: November 1, 2004	:	
Attorney Docket No. MSFT-4451	:	

This is a decision on the petition, filed November 13, 2008, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to reply to the final Office action mailed April 15, 2008, which set a three (3) month shortened statutory period for reply. A Notice of Abandonment was mailed on October 23, 2008.

Petitioner asserts that the Office action dated April 15, 2008 was not received.

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

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

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

3. a copy of the master docket for the firm docket record where the nonreceived Office action would have been entered had it been received must be attached to and referenced in the practitioner's statement. If no master docket exists, the practitioner should so state and provide other evidence such, as but not limited: to the application file jacket, incoming mail log; calendar; reminder system or individual docket record for the application in question

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

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

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

This application is being referred to the Technology Center technical support staff of Art Unit 2161 for re-mailing the Office action of April 15, 2008. The period for reply will run from the mailing date of the Office action.

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

Charlema Grant

Charlema Grant
Petitions Attorney
Office of Petitions

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GREENBERG TRAURIG
3773 HOWARD HUGHES PARKWAY
SUITE 500 NORTH
LAS VEGAS NV 89109

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OFFICE OF PETITIONS

In re Application of	:	
Haber, Jose Cherem	:	
Application No. 10/979,858	:	ON PETITION
Filed: November 1, 2004	:	
Attorney Docket No. 5483.00007	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 21, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a Declaration from Jose Cherem Haber, as well as a copy of his passport. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3206. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 3713 for action on the merits commensurate with this decision.

Liana Chase
Petitions Examiner
Office of Petitions

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

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MAY 0 6 2008

OFFICE OF PETITIONS

In re Application of	:	
Vincent P. McCarroll, et. al.	:	
Application No. 10/979,891	:	ON PETITION
Filed: November 2, 2004	:	
Attorney Docket No. 873-009-103-2	:	

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

The application became abandoned for failure to respond to the non-final Office action mailed June 27, 2006. A Notice of Abandonment was mailed on January 9, 2007.

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

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

This application file is being referred to Technology Center Art Unit 3753 for further processing.

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

Andrea Smith
Petitions Examiner
Office of Petitions

cc: Milton M. Oliver
P.O. Box 224
Monroe, CT 06468-0224

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CONNOLLY BOVE LODGE & HUTZ
P.O. BOX 2207
WILMINGTON, DE 19899-2207

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OFFICE OF PETITIONS

In re Application of	:	
Daniel D. Friel SR.	:	DECISION ON PETITION
Application No. 10/979,893	:	TO MAKE SPECIAL UNDER
Filed: November 2, 2004	:	37 CFR 1.102(c)(1)
Attorney Docket No. FRIEL-107 (152*275)	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 27, 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 petition includes a declaration by Daniel D. Friel SR. attesting that he is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

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

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

This matter is being referred to Technology Center AU 3724 for action on the merits commensurate with this decision.

Denise Pothier for

David Bucci
Petitions Examiner
Office of Petitions

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TECHNOLOGY CENTER 3600

CRAIG W. RODDY
HALLIBURTON ENERGY SERVICES
P.O. BOX 1431
DUNCAN, OK 73536-0440

In re application of	:	**DECISION ON PETITION**
Jiten Chatterji et al.	:	**TO MAKE SPECIAL**
Application No. 10/979,901	:	**(APPLICANT'S AGE)**
Filed: November 02, 2004	:	
For: FOAMED COMPLETION FLUIDS AND METHODS		

This is a decision on the petition submitted on November 02, 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 indicating Mr. Chatterji 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 petitioners makes a prompt ***bona fide*** effort, in response to each Office action, to place the application in condition for allowance, even if it is necessary to conduct an interview with the examiner to accomplish this purpose.

SUMMARY: Petition to Make Special **GRANTED**.

Kenneth J. Dorner
Special Programs Examiner
Technology Center 3600
(571) 272-6587

KJD/slb: 02/08/05

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222 EAST 41ST ST
NEW YORK NY 10017

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MAR 2 9 2005

OFFICE OF PETITIONS

In re Application of	:
Binder, et al.	:
Application No. 10/979,915	: DECISION ACCORDING STATUS
Filed: November 1, 2004	: UNDER 37 CFR 1.47(a)
Attorney Docket No. 708716-999997	:
For: QUICK-RELEASE DRILL-GUIDE ASSEMBLY FOR BONE PLATE	:

This is in response to the petition under 37 CFR 1.47(a), March 1, 2005.

The petition is granted.

Petitioners have shown that the non-signing inventor, Lawrence J. Binder, Jr., has constructively refused to join in the filing of the above-identified application after having been presented with the application papers. Specifically, the declaration/statement of facts of Attorney Brent P. Ray 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. Petitioners have submitted a declaration in compliance with 37 CFR 1.63 and 1.64. Regarding fees, the current fee due for filing a petition under 37 CFR 1.47(a) is $200.00. Petitioners' deposit account was charged $200.00, rather than $130.00 as petitioners specified, on March 4, 2005.

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 3732 for examination in due course.

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

E. Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

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LAWRENCE J. BINDER, JR
5025 SUNDANCE COURT
DOYLESTOWN, PA 18901

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MAR 2 9 2005

OFFICE OF PETITIONS

In re Application of :
Binder, et al. :
Application No. 10/979,915 : LETTER
Filed: November 1, 2004 :
Attorney Docket No. 708716-999997 :
For: QUICK-RELEASE DRILL-GUIDE :
ASSEMBLY FOR BONE PLATE

Dear Mr. Binder:

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

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

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

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3230.

E. Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

ATTORNEY OF RECORD: JONES DAY
222 EAST 41ST ST
NEW YORK NY 10017

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IRELL & MANELLA LLP
840 NEWPORT CENTER DRIVE
SUITE 400
NEWPORT BEACH CA 92660

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OFFICE OF PETITIONS

In re Application of	:	
Vahidi, et al.	:	
Application No. 10/979,926	:	DECISION
Filed: 1 November, 2004	:	
Attorney Docket No. 140591-0014 (P002)	:	

This is a decision on the petition filed on 1 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 non-final Office action mailed on 29 October, 2008, with reply due absent extension of time on or before 29 January, 2009.

The application went abandoned by operation of law after midnight 29 January, 2009.

The Office mailed the Notice of Abandonment on 12 May, 2009.

On 1 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 an amendment, and made the 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.[1]

STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).[2]
The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority.

Unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.[3]))

---

[1] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

[2] 35 U.S.C. §133 provides:

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

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

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 3687 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[4]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

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

[4] The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

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PATRICK W. RASCHE
ARMSTRONG TEASDALE LLP
ONE METROPOLITAN SQUARE,
SUITE 2600
ST. LOUIS MO 63102-2740

In re Application of	:	
Akira Hagiwara	:	
Application No. 10/979,934	:	DECISION DISMISSING PETITION
Filed: November 1, 2004	:	UNDER 37 CFR 1.313(a)
Attorney Docket No. 16CT03208	:	

This is a decision on the petition under 37 CFR 1.313(a), filed February 22, 2008, requesting withdrawal of the above-identified application from issue.

The petition is **dismissed** as moot for the reasons stated below.

A review of the file record discloses that a Notice of Allowance and Fee(s) Due was mailed on February 4, 2008, with the issue fee being due on or before May 5, 2008. The issue fee in this case has not been paid.

The filing of a petition under 37 CFR 1.313(a) is unnecessary, since the mere filing of an RCE and submission will effectively withdraw an application from issue prior to payment of the issue fee. In view thereof, the petition to withdraw from issue is dismissed as involving a moot issue. *Note* MPEP §§ 706.07(h)(IX) and 1308.

Inquiries concerning this decision may be directed to the undersigned at (571) 272-3208.

This matter is being referred to Technology Center AU 2882 for appropriate processing of the RCE filed February 22, 2008, and for consideration of the concurrently filed IDS.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

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COMMISSIONER FOR PATENTS
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JAN 19 2005

BORIS LESCHINSKY
P.O. BOX 72
WALDWICK NJ 07463

In re Application of	:
Sarvazyan	:
Serial No.: 10/979940	: PETITION TO MAKE SPECIAL
Filed: October 25, 2004	:
Attorney Docket No.: AL-6	:

This is in response to applicants petition filed October 25, 2004, to make the above-identified application special under the provisions of 37 CFR 1.102(c), based on the age of the applicant. No fee is required for this petition.

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 William R. Dixon, Jr. by letter addressed to the Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at 571-272-0519 or by facsimile transmission to the general Office facsimile number.

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

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CYMER, INC.
LEGAL DEPARTMENT
17075 THORNMINT COURT
SAN DIEGO CA 92127-2413

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SEP 29 2008

OFFICE OF PETITIONS

In re Application of	:	
William N. PARTLO, et al	:	
Application No. 10/979,945	:	DECISION ON PETITION
Filed: November 1, 2004	:	
Attorney Docket No. 2004-0088-01	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 24, 2008, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned as a result of petitioner's failure to file a complete and proper reply to the Office communication mailed, June 4, 2007, which set a period for 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 July 6, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) a reply to the Office communication, (2) the petition fee of $1540; and (3) a proper statement of unintentional delay.

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

This application is being referred to Technology Center 1792 for appropriate action by the Examiner in the normal course of business on the reply received January 24, 2008.

Thurman Page
Petitions Examiner
Office of Petitions

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JUL 12 2005

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

PERKINS COLE LLP/MSFT
P. O. BOX 1247
SEATTLE WA 98111-1247

In re Application of
WETZEL, MICHAEL SCOTT, et al
Serial No. **10/979963**
Filed: November 2, 2004
For: **TEXTURE-BASED PACKING, SUCH AS FOR PACKING 8-BIT PIXELS INTO TWO BITS**

DECISION ON PETITION
ACCEPTANCE OF COLOR DRAWINGS

This is a decision on the petition under 37 C.F.R. § 1.84(a)(2), filed, November 2, 2004 requesting acceptance of color drawings.

The petition requests that the color drawings identified in figures 1, 5, 7, 8, 10 and 11, be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. §1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), 3 (three) set of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

"The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition is **GRANTED**.

Dwayne Bost
Special Program Examiner
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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PERKINS COIE LLP/MSFT
P. O. BOX 1247
SEATTLE, WA 98111-1247

Mail Date: 04/20/2010

Applicant	: Michael Scott Wetzel	: DECISION ON REQUEST FOR
Patent Number	: 7643032	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/979,963	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/02/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **497** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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PATENT LAW & VENTURE GROUP
2424 S.E. BRISTOL, SUITE 300
NEWPORT BEACH, CA 92660

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OFFICE OF PETITIONS

In re Application of :
Michael C. Peck :
Application No. 10/979,972 : ON PETITION
Filed: November 2, 2004 :
Attorney Docket No. Peck.M-01 :

This is a decision on the petition under 37 CFR 1.137(b), filed February 9, 2009, to revive the above-identified application.

The application became abandoned for failure to file a reply to the non-final Office action mailed on April 23, 2008. A Notice of Abandonment was mailed on December 15, 2008.

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

This application file is being referred to Technology Center Art Unit 2614 for review of the amendment filed with the 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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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/979,985	11/02/2004	2632	539	23834	3	36	2

CONFIRMATION NO. 5879

CORRECTED FILING RECEIPT

OC000000015695343

20551
THORPE NORTH & WESTERN, LLP.
8180 SOUTH 700 EAST, SUITE 200
P.O. BOX 1219
SANDY, UT 84070

Date Mailed: 04/08/2005

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)

Ruel Ross Clark, Bluffdale, UT;

Assignment For Published Patent Application

Provider Services, Inc.

Power of Attorney: The patent practitioners associated with Customer Number **20551**.

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 01/19/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/979,985

Projected Publication Date: 05/04/2006

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

BEST AVAILABLE COPY

Title

Active security system

Preliminary Class

340

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

GRANTED

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

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

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

NOT GRANTED

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

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DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

THORPE NORTH & WESTERN, LLP.
8180 SOUTH 700 EAST, SUITE 200
P.O. BOX 1219
SANDY, UT 84070

In re Application of Ruel Ross Clark Application No. 10/979,985 Filed: November 2, 2004 For: ACTIVE SECURITY SYSTEM	: : : : : :	DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the petition under 37 C.F.R. §1.102 to make special filed June 3, 2005 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 Ruel Ross Clark, in support of the petition, evidencing that he is over 65 years of age.

Accordingly, the petition is **GRANTED**.

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

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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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/979,994	11/03/2004	2826	1380	1303.102US2	11	43	5

CONFIRMATION NO. 5908

CORRECTED FILING RECEIPT

OC000000015366053

21186
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. BOX 2938
MINNEAPOLIS, MN 55402

Date Mailed: 03/07/2005

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

Leonard Forbes, Corvallis, OR;

Assignment For Published Patent Application

Micron Technology, Inc.

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a DIV of 10/634,174 08/05/2003

Foreign Applications

If Required, Foreign Filing License Granted: 01/19/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/979,994

Projected Publication Date: 04/28/2005

Non-Publication Request: No

Early Publication Request: No

Title

Strained Si/SiGe/SOI islands and processes of making same

Preliminary Class

257

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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AUG 19 2005

Douglas H. Pauley
Pauley Petersen & Erickson
Suite 365
2800 West Higgins Road
Hoffman Estates IL 60195

In re Application of	:	
Robert C. Arzbaecher et al	:	
Serial No.: 10/979,995	:	DECISION ON PETITION
Filed: November 3, 2004	:	
For: Cardiac Arrest Monitor and Alarm System	:	

This is in response to applicants' petition filed November 3, 2004, to make the above-identified application special under the provisions of 37 CFR 1.102(c), based on the age of the applicant.

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

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

Should there be any questions with regard to this letter please contact Frederick Schmidt by letter addressed to the Director, Technology Center 3700, P.O. Box 1450 Alexandria, VA 22313-1450, or by telephone at (571) 272-2975 or by facsimile transmission at (571) 273-8300.

Frederick R. Schmidt

Frederick R. Schmidt, Director
Technology Center 3700

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Alexandria, VA 22313-1450
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SILICON EDGE LAW GROUP, LLP
6601 KOLL CENTER PARKWAY
SUITE 245
PLEASANTON CA 94566

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JUL 18 2007

OFFICE OF PETITIONS

In re Application of :
Ramin Farjad-rad :
Application No. 10/980,021 : DECISION ON PETITION
Filed: November 2, 2004 :
Attorney Docket No. RA397.P.US :

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

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before January 18, 2007, as required by the Notice of Allowance and Fee(s) Due, mailed October 18, 2006. Accordingly, the date of abandonment of this application is January 19, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1,400.00 and publication fee of $300.00, (2) the petition fee of $1500.00; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Christopher Bottorff at (571) 272-6052 or in his absence, the undersigned at (571) 272-7099.

This application is being referred to Publishing Division for processing into a patent.

David Bucci
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

Ruden, McClosky, Smith, Schuster & Russell, P.A.
P.O. Box 1900
Fort Lauderdale, FL 33301

In re Application of	:	
George Fellington et al.	:	
Application No. 10/980,031	:	DECISION ON PETITION
Filed: November 3, 2004	:	TO WITHDRAW
Attorney Docket No. 46024-0009	:	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 **moot because a revocation of power of attorney has been filed**.

A review of the file record indicates that the power of attorney to Stanley A. Kim and all attorneys/agents of record has been revoked by the assignee of the patent application on April 19, 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: Nicholas R. Lewis, Esq.
Christopher & Weisberg, P.A.
200 East Las Olas Boulevard
Suite 2040
Fort Lauderdale, FL 33301

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E I DU PONT DE NEMOURS AND COMPANY
LEGAL PATENT RECORDS CENTER
BARLEY MILL PLAZA 25/1122B
4417 LANCASTER PIKE
WILMINGTON, DE 19805

Mail Date: 04/20/2010

Applicant	: Larry Glen Snow	: DECISION ON REQUEST FOR
Patent Number	: 7608311	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/980,047	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/03/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

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Mehran Arjomand
MORRISON & FOERSTER, LLP
555 West Fifth Street
Los Angeles, CA 90013-1024

NOV 08 2005

In re Application of:
SCHULTZ, JR. et al.
Serial No.: 10/980,055
Filed: November 02, 2004
Attorney Docket No.: **556592001000**

DECISION ON REQUEST TO WITHDRAW FROM RECORD

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed May 16, 2005.

The request is **DISMISSED** as moot.

A review of the application file record reveals a proper revocation and power of attorney to the attorneys of Vierra Magen Marcus Harmon & DeNiro LLp was filed on July 08, 2005. As such, the power of attorney for the attorneys and agents requesting withdrawal has already been revoked. Accordingly, the present request is moot, and must be dismissed.

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

Inquiries related to this decision should be directed to Clayton E. LaBalle at (571) 272-1594.

Clayton E. LaBalle, Special Programs Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

cc: Burt Magen
Vierra Magen Marcus Harmon & DeNiro
685 Market Street, Suite 540
San Francisco, CA 94105

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 4-13-06

TO SPE OF : ART UNIT 2873

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/980057 Patent No.: 6972907

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

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

Please check Drawings

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

Certificates of Correction Branch

703-308-9390 ext. _____

Thank You For Your Assistance

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

Note your decision on the appropriate box.

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

Comments: _____

RICKY MACK
SUPERVISORY PATENT EXAMINER

SPE

2873
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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THE JOHNS HOPKINS UNIVERSITYAPPLIED PHYSICS LABORA
OFFICE OF PATENT COUNSEL
11100 JOHNS HOPKINS ROAD
MAIL STOP 7-156
LAUREL MD 20723-6099

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OFFICE OF PETITIONS

In re Patent No. 7,002,877	:	
Issue Date: February 21, 2006	:	
Application No. 10/980,058	:	DECISION ON PETITION
Filed: November 3, 2004	:	
Attorney Docket No. 2033-SPL	:	

This is a decision on the petition under 37 CFR 1.182, filed, August 28, 2006, to correct the name of inventor "Juan I. Arvelo" to – Juan I. Arvelo, Jr. – on the front page of the Letters Patent by way of a Certificate of Correction.

The petition is **GRANTED**.

Office records have been modified to reflect the correction in the name of the above-named inventor. A corrected Filing Receipt has been mailed under separate cover.

The correct fee for a petition under 37 CFR 1.182 is $400, rather than $130. Accordingly, as authorized, the balance due of $270 will be charged to petitioner's deposit account.

The patent file is being referred to the Certificates of Correction Branch for issuance of the requested Certificate of Correction.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3218. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

Frances Hicks
Petitions Examiner
Office of Petitions

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ALBERT W. WATKINS
30844 NE 1ST AVENUE
ST. JOSEPH MN 56374

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OFFICE OF PETITIONS

In re Application of:	:	DECISION ON
Stephen Paxton	:	PETITION UNDER
Application No.: 10/980,084	:	37 CFR 1.137(b)
Filed: November 02, 2004	:	
Atty's Docket No.: PaxtonSystem	:	

This is a decision on the petition for revival of the above-entitled application under 37 CFR 1.137(b), filed October 18, 2006.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to submit corrected drawings in a timely manner in reply to the Notice of Allowability mailed April 12, 2006, which set a period for reply of three (3) months. Accordingly, the above-identified application became abandoned at midnight on July 12, 2006.

On October 18, 2006, applicant filed the present renewed petition for revival under 37 CFR 1.137(b) considered herein. The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that it includes: (1) the petition fee; (2) the required statement of unintentional delay; and (3) the required reply in the form of corrected drawings. Accordingly, the corrected drawings are accepted as having been unintentionally delayed.

The application is being referred to the Office Of Publications.

Telephone inquiries concerning this decision should be directed to the undersigned.

Derek A. Putonen
Attorney Advisor
(571) 272-3294

UNITED STATES PATENT AND TRADEMARK OFFICE

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MYERS & KAPLAN
INTELLECTUAL PROPERTY LAW, L.L.C.
CUMBERLAND CENTER II
3100 CUMBERLAND BLVD , SUITE 1400
ATLANTA, GA 30339

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MAR 1 7 2009

OFFICE OF PETITIONS

In re Application of	:	
Lisa S. Jones	:	
Application No. 10/980,086	:	DECISION ON PETITION
Filed: November 3, 2004	:	TO WITHDRAW
Attorney Docket No. 25350-RA	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 13, 2009.

The request is **APPROVED**.

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

The request was signed by Ashish D. Patel on behalf of all attorneys of record who are associated with customer No. 30184. All attorneys/agents associated with the Customer Number 30184 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

There is an outstanding Office action mailed October 27, 2008 that requires a reply from the applicant.

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

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

cc: LISA S. JONES
1701 CLAYHILL COURT
MARIETTA, GA 30064

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/980,086	11/03/2004	Lisa S. Jones	25350-RA

CONFIRMATION NO. 6428

POWER OF ATTORNEY NOTICE

OC000000035011468

30184
MYERS & KAPLAN
INTELLECTUAL PROPERTY LAW, L.L.C.
CUMBERLAND CENTER II
3100 CUMBERLAND BLVD , SUITE 1400
ATLANTA, GA 30339

Date Mailed: 03/16/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/13/2009.

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

/amwise/

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

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FROM DIRECTORS OFFICE

JUN 27 2007

TECHNOLOGY CENTER 3600

Theodore W. Olds
Carlson, Gaskey & Olds
400 West Maple, Suite 350
Birmingham, MI 48009

In re Application of Matthew David Lutzke Application No. 10/980,087 Filed: November 3, 2004 Attorney Docket No.: 60,158-265; 72 For: SECONDARY RETENTION CLIP FOR FLUID TUBE CONNECTION	DECISION ON PETITION TO INVOKE SUPERVISORY AUTHORITY UNDER 37 CFR 1.181

This is in response to applicant's petition to invoke supervisory authority under 37 CFR 1.181 filed February 22, 2007 requesting withdrawal of certain requirements in the Notice of Non-Compliant Brief mailed December 4, 2006.

The petition is **DENIED**.

A review of the record reveals the following:

1. An appeal brief was first filed on July 31, 2006.
2. A Notification of Non-Compliant Appeal Brief was mailed August 17, 2006 which pointed out that applicant's appeal brief failed to comply with numerous of the provisions of 37 CFR 41.37, including failure to properly map out the claims.
3. A second appeal brief was filed on September 18, 2006.
4. A second Notification of Non-Compliant Appeal Brief was mailed December 4, 2006 which pointed out that applicant's second appeal brief failed to comply with the provision of 37 CFR 41.37(c)(1)(v).

The examiner's Notification of Non-Compliant Appeal Brief which was mailed December 4, 2006 pointed out that the SUMMARY OF CLAIMED SUBJECT MATTER section was not acceptable because it included subject matter extraneous to that in the respective independent claims; did not properly refer, for each element, to the specification by page and line number and to the drawings, if any, by reference characters; and the explanation of claims 2 and 3 appeared under the heading for independent claim 1. It is further noted that the examiner provided a suggestion for a proper format of the concise explanation.

It is applicant's apparent position that the examiner's position puts form over substance by requiring a specific style for the SUMMARY OF CLAIMED SUBJECT MATTER section and that the explanation as provided in the appeal brief of September 18, 2006 is acceptable.

37 CFR 41.37(c)(1)(v) requires that the SUMMARY OF CLAIMED SUBJECT MATTER contain a *concise* explanation of the subject matter found in each independent claim. The intent of the new rule and the changing of this section of the appeal brief from the previous SUMMARY OF THE INVENTION to SUMMARY OF CLAIMED SUBJECT MATTER is to allow a patent applicant, as the author of the application and creator of the invention, to assist the Board in claim construction as to what applicant believes the scope of the recited features found in each independent claim is. It also assists the Board in contrasting the relative positions of the examiner and the applicant. Finally, requiring that *each* independent claim be discussed at a minimum instead of just representative claim(s) or the invention as a whole assists the Board in their determination of which embodiments are covered or not covered by the various independent claims in the application, as well as how the scope of the various claims varies relative to one another. See Comment 53 of Board of Patent Appeals and Interferences (BPAI) Final Rule, *69 Federal Register 49976* (August 12, 2004).

A review of the appeal brief filed September 18, 2006 reveals that applicant failed to provide a proper SUMMARY OF CLAIMED SUBJECT MATTER section as required by 37 CFR 41.37 (c)(1)(v). In particular, there is no *concise* explanation of the subject matter found in *each* independent claim with reference to the specification by page and line number and to the drawings by reference characters. Applicant's summary, instead, starts off by discussing the original Notification of Non-Compliant Appeal Brief and then the disclosed invention before proceeding to a discussion of claimed subject matter under separate subheadings of the various independent claims. Applicant further includes reference to claims 2 and 3 within the subheading for claim 1. The reference to these depending claims fails to refer to the specification by page and line number and to the drawings by reference characters and each claim is not included under it's own separate subheading. It is further noted that the explanation of claim 1 includes a statement relating to an apparent issue on appeal (see page 3 of the appeal brief, lines 18-20) and thus does not properly belong as a part of the explanation of the claimed subject matter.

As noted above, applicant provides some discussion of claimed subject matter under subheadings for each independent claim. However, none of these discussions are complete in and unto themselves in a manner as required by 37 CFR 41.37(c)(1)(v). For example, claim 1, line 1, recites "a retention assembly for a fluid tube connection". Nowhere in the discussion of the subject matter of claim 1 is this mentioned. Claim 1 also sets forth an "axial bore", a "first upset portion", and a "retention clip". None of these claimed elements have been identified with reference to the specification by page and line number and to the drawings by reference characters. The functional recitations of "being actuated by said first upset portion", the retention clip "sliding onto said housing and said tube", the tube legs "sliding onto said tube", and the housing legs "sliding onto said housing" have not been referred to by specification page and line number.

With respect to claim 7, applicant's discussion does not mention the "axial bore", line 2, or "quick connect coupling", line 4, and does not refer to the specification by page and line number for the functional recitation pertaining to the camming.

With respect to claim 13, applicant's discussion fails to properly identify the housing, tube, quick connect coupling, and retention clip with reference to the specification by page and line number and the drawings by reference characters and does not even mention the axial bore, the tube being inserted in the bore, the quick connect coupling being disposed in the bore, and the ramp being disposed at a remote end of a tube leg.

Accordingly, it is evident that applicant's SUMMARY OF CLAIMED SUBJECT MATTER section is deficient and, contrary to applicant's assertion, the examiner's position is totally reasonable in both the letter and intent of the rule. Requiring a new summary would clearly assist the Board as intended by 37 CFR 41.37(c)(1)(v). Since the entire intent of the rule is to give the Board applicant's position on the scope of the claims by having applicant map the terms used in each independent claim to the explanation in the specification and elements in the figures, intermixing other claimed elements (or leaving them out entirely) as well as other argument (background of the invention, advantages over the prior art, etc.) without distinction clouds the issue in this regard. Thus, applicant's current "summary" does not assist the Board in claim construction and determination of the scope of each independent claim.

Contrary to applicant's remarks regarding the inclusion of claims 2 and 3, it should be noted that 37 CFR 41.37(c)(1)(v) does not require that claims separately argued be included in the SUMMARY OF CLAIMED SUBJECT MATTER section. Rather, what is said about these claims is that any "means" in the independent claim(s) and each dependent claim argued separately must be identified and the structure, material, or acts described in the specification as corresponding to each claimed function must be set forth with reference to the specification by page and line number and to the drawings, if any, by reference characters. Neither of claims 2 and 3 set forth a "means" and thus neither need be discussed in the SUMMARY OF CLAIMED SUBJECT MATTER section. However, if applicant desires to include such claims, then they must each be set forth under a separate subheading and the explanation of subject matter should also refer to the specification by page and line number and to the drawings by reference characters.

Further in regard to claim 2, applicant asserts that "claim 2 is being separately argued." The inference taken from this is that because claim 2 is being separately argued, it is acceptable to include a discussion of claim 2 within the subheading of claim 1. With respect to any claims to be separately argued, 37 CFR 41.37(c)(1)(vii) requires that any claim argued separately should be placed under a subheading identifying the claim by number in the ARGUMENT section. The intent of this rule is to define the necessary structure of an appeal brief to ensure that all of the information needed by the Board to render an informed decision on the issues presented for review is provided by the appeal brief. The use of subheadings provides clear indication to the Board which claims an appellant considers to stand or fall separately and which do not. The appeal brief of September 18, 2006 provides no such separate subheading or even a separate argument. To be separately argued, applicant must provide a subheading for the claim under the appropriate rejection heading in the ARGUMENT section and must also present an argument for the patentability thereof. Accordingly, claim 2 is not seen to have been separately argued.

With respect to the format set forth by the examiner in the Notification of Non-Compliant Appeal Brief, it should be noted that such format is merely a suggestion by the examiner of one way applicant could correct the noted deficiencies. It is not a requirement by the examiner. Accordingly, applicant is not required to follow the suggestion of the examiner if he so chooses. However, applicant still must meet the requirements of 37 CFR 41.37(c)(1) with whatever format is chosen. As previously noted above, the current format chosen by applicant has failed to provide a proper explanation that completely maps out each independent claim by discussing each independent claim separately, in it's entirety, with reference to the specification by page and line number and to the drawings by reference characters.

In view of the above, it is clear that the appeal brief filed September 18, 2006 is not in compliance with the requirements of 37 CFR 41.37(c)(1) and that the examiner's holding of such is appropriate and not "unreasonable". Accordingly, applicant's request to withdraw "certain requirements" in the Notification of Non-Compliant Appeal Brief is denied.

The application is being forwarded to the examiner for consideration of the new appeal brief filed on February 22, 2007.

Any questions regarding this decision should be directed to Supervisory Patent Examiner Daniel Stodola at (571) 272-7087.

Donald T. Hajec, Director
Technology Center 3600
(571) 272-5150
Facsimile No.: (571) 273-8300

SNM/DS: 6/4/07

SM

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THEODORE W. OLDS
400 WEST MAPLE ROAD
SUITE 350
BIRMINGHAM, MI 48009

Mail Date: 05/20/2010

Applicant	: Matthew David Lutzke	: DECISION ON REQUEST FOR
Patent Number	: 7618069	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 10/980,087	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/03/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **999** 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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HARNESS, DICKEY, & PIERCE, P.L.C
7700 Bonhomme, Suite 400
ST. LOUIS, MO 63105

Mail Date: 04/21/2010

Applicant	: Michael Eugene Stock JR.	: DECISION ON REQUEST FOR
Patent Number	: 7607392	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/980,107	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/01/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **707** 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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CHAD R. WALSH
900 LAFAYETTE STREET
SUITE 301
SANTA CLARA, CA 95050

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OFFICE OF PETITIONS

In re Application of	:	
Caracas et al.	:	
Application No. 10/980,117	:	DECISION ON PETITION
Filed: November 11, 2004	:	
Attorney Docket No. 000005-000400US	:	

This is a decision on the petition under 37 CFR 1.137(b), filed January 11, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before December 21, 2009, as required by the Notice of Allowance and Fee(s) Due mailed September 21, 2009. Accordingly, the application became abandoned on December 22, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1,510 and the publication fee of $300, (2) the petition fee of $1,620, and (3) a proper 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 the Office of Data Management for processing into a patent.

Chris Bottorff
Petitions Examiner
Office of Petitions

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SONNENSCHEIN NATH
& ROSENTAL LLP
For Symantec Corporation
P.O. Box 061080
Wacker Drive Station, Sears Tower
Chicago, IL 60606-1080

MAIL

SEP 2 8 2005

DIRECTOR OFFICE
TECHNOLOGY CENTER 2100

In re Application of:
Shaun COOLEY
Application No. 10/980,122
Filed: November 1, 2004
For: AUTOMATED DISABLEMENT OF DISPOSABLE E-MAIL ADDRESSES BASED ON USER ACTIONS

DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the renewed petition, filed on September 06, 2005 under 37 C.F.R. §102(d) and M.P.E.P. § 708.02(VIII): Accelerated Examination, to make the above-identified application special.

The petition is **DISMISSED**.

M.P.E.P. § 708.02, Section VIII which sets out the prerequisites for a grantable petition for Accelerated Examination under 37 C.F.R. § 102(d) states in relevant part:

> A new application (one which has not received any examination by the examiner) may be granted special status provided that applicant (and this term includes applicant's attorney or agent) complies with each of the following items:
>
> (A) Submits a petition to make special accompanied by the fee set forth in 37 CFR § 1.17(h);
>
> (B) Presents all claims directed to a single invention, or if the Office determines that all the claims presented are not obviously directed to a single invention, will make an election without traverse as a prerequisite to the grant of special status;
>
> (C) Submits a statement(s) that a pre-examination search was made, listing the field of search by class and subclass, publication, Chemical Abstracts, foreign patents, etc. A search made by a foreign patent office satisfies this requirement;
>
> (D) Submits one copy each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and
>
> (E) Submits a detailed discussion of the references, which discussion points out, with the particularity required by 37 CFR §§ 1.111 (b) and (c), how the claimed subject matter is patentable over the references.

> In those instances where the request for this special status does not meet all the prerequisites set forth above, applicant will be notified and the defects in the request will be stated. The application will remain in the status of a new application awaiting action in its regular turn. In those instances where a request is defective in one or more respects, applicant will be given one opportunity to perfect the request in a renewed petition to make special. If perfected, the request will then be granted. If not perfected in the first renewed petition, any additional renewed petitions to make special may or may not be considered at the discretion of the Group Special Program Examiner.

Applicant's submission of September 06, 2005 fails to meet requirement (b) as set forth above. Applicant must make a statement that "all claims are 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."

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

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

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

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Wacker Drive Station, Sears Tower
Chicago, IL 60606-1080

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Technology Center 2100

In re Application of:
Shaun COOLEY
Application No. 10/980,122
Filed: November 1, 2004
For: AUTOMATED DISABLEMENT OF DISPOSABLE E-MAIL ADDRESSES BASED ON USER ACTIONS

DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the renewed petition, filed on 21 October 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 submissions of 06 September 2005 and 21 October 2005 meet all the criteria set out above. Accordingly, the petition is **GRANTED**. The application file is being forwarded to the Examiner for accelerated examination in accordance with M.P.E.P. § 708.02. If the application is subsequently allowed, it will be given priority for printing. See M.P.E.P. § 1309.

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

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THIRD FLOOR
SAN JOSE, CA 95113

Mail Date: 04/21/2010

Applicant	: H. Peter Anvin	: DECISION ON REQUEST FOR
Patent Number	: 7640450	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/980,127	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/01/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **472** 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

Morrison & Foerster LLP
425 Market Street
San Francisco, CA 94105-2482

In re Application of

Paul M. Tabet
Application No. 10/980,128
Filed: November 1, 2004
Attorney Docket No. 578672000100

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 16, 2007.

The request is **APPROVED**.

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

The request was signed by G. Stephen C. Durant on behalf of all attorneys of record.

All attorneys/agents have been withdrawn.

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

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

There is an outstanding Office action mailed June 21, 2007 that requires a reply from the applicant.

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

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Paul M. Tabet**
108 Shadewell Drive
Danville, CA 94506

cc: **Bill Galliani**
Cooley, Godward & Kronish
Five Palo Alto Square
3000 El Camino Real
Palo Alto, CA 94306-2155

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/980,128	11/01/2004	Paul M. Tabet	578672000100

CONFIRMATION NO. 6100

OC000000024896709

20872
MORRISON & FOERSTER LLP
425 MARKET STREET
SAN FRANCISCO, CA 94105-2482

Date Mailed: 07/19/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/16/2007.

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

Jerri Williams

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

FORMER ATTORNEY/AGENT COPY

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PITTSBURGH PA 15219

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OFFICE OF PETITIONS

In re Application of

HERSHLINE, Roger
Application No. 10/980,148
Filed: October 25, 2004
Attorney Docket No. **3519-045312**

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 25, 2008.

The request is **APPROVED**.

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

The request was signed by G. Peter Albert, Jr. on behalf of all attorneys of record who are associated with customer No. 37891. All attorneys/agents associated with the Customer Number 37891 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

There is an outstanding Office action mailed February 25, 2008 that requires a reply from the applicant.

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

Tredelle D. Jackson
Petitions Examiner
Office of Petitions

cc: **ROGER HERSHLINE**
842 AUTUMN RAIN LANE
CHARLOTTE, NC 28208

cc: **BARBARA E. JOHNSON – ATTORNEY AT LAW**
555 GRANT STREET- SUITE 323
PITTSBURGH, PA 15219

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

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APR 19 2005

OFFICE OF PETITIONS

In re Application of	:	
Pietro Perlo et al	:	
Application No. 10/980,153	:	ON PETITION
Filed: November 4, 2004	:	
Attorney Docket No. Q84485	:	

This is a decision on the petition, filed March 24, 2005 which is being treated as a petition under 37 CFR 1.182, to change the name of Inventor Anatolii Svezdine to Anatolii Zvezdin.

The petition is **DISMISSED AS MOOT.**

The Office records show the name of the second inventor is Anatolii Zvezdin.

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

Irvin Dingle
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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JUL 01 2008

OFFICE OF PETITIONS

BIRCH STEWART KOLASCH & BIRCH
8110 Gatehouse Road, Suite 100 East
PO BOX 747
FALLS CHURCH VA 22040-0747

In re Patent No. 7,342,317 :
Issue Date: March 11, 2008 :
Application No. 10/980,168 : NOTICE
Filed: November 4, 2004 :
Attorney Docket No. 4443-0292PUS1 :

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

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

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

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3213.

Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions

Irvin Dingle
Petitions Examiner

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

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MAR 2 8 2008

OFFICE OF PETITIONS

In re Application of	:	
COLE, et al.	:	
Application No. 10/980,194	:	DECISION ON PETITION
Filed: November 4, 2004	:	TO WITHDRAW
Attorney Docket No. **05394.0013-01000**	:	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 24, 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 Katz. Deborah Katz has been withdrawn as attorney or agent of record; all other attorneys remain of record.

The correspondence address of record remains unchanged.

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

Monica A. Graves
Petitions Examiner
Office of Petitions

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ALEXANDRIA, VA 22313-1450
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ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON, VA 22209-3873

MAILED

DEC 27 2005

Technology Center 2100

In re Application of: SHIGA, et al.
Application No. 10/980,196
Filed: November 4, 2004
For: DATA MIGRATION METHOD

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

This is a response to the petition filed 13 April 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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FAEGRE & BENSON LLP
PATENT DOCKETING
2200 WELLS FARGO CENTER
90 SOUTH SEVENTH STREET
MINNEAPOLIS MN 55402-3901

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MAR 1 2 2007

OFFICE OF PETITIONS

In re Application of	:	
Varela et al.	:	
Application No. 10/980,208	:	DECISION ON PETITION
Filed: 11/02/2004	:	
Attorney Docket No. 56578-308221	:	

This is a decision on the petition under 37 CFR 1.137(f), filed December 7, 2006, which is being treated as a petition under 37 CFR 1.137(b) to revive the present nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the present nonprovisional application is the subject of an application filed in an eighteen-month publication country on July 1, 2005. However, the USPTO was unintentionally not notified of this filing within forty-five days subsequent to the filing of the subject application in an eighteen-month publication country. Accordingly, 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 eighteen 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 present 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 forty-five 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 Communication Regarding Rescission of Nonpublication Request and/or Notice of Foreign Filing, which sets forth the projected publication date of June 21, 2007, accompanies this decision on petition.

This matter is being referred to Technology Center Art Unit 2191.

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

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/980,208	11/02/2004	J. Alberto Varela	56578-308221

CONFIRMATION NO. 4927

25764
FAEGRE & BENSON LLP
PATENT DOCKETING
2200 WELLS FARGO CENTER
90 SOUTH SEVENTH STREET
MINNEAPOLIS, MN 55402-3901

Date Mailed: 03/12/2007

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

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 06/21/2007.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"[1] then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282. Questions regarding publications of patent applications should be directed to the patent application publication hotline at (703) 605-4283 or by e-mail pgpub@uspto.gov.

[1] Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

ok for enter

XMB012US

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. : 7108343

APPLICATION NO.: 10/980227

ISSUE DATE : 19 September 2006

INVENTOR(S) : Tobin Allen King; Kia Silverbrook

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:

(75) Inventors: Tobin Allen King, Balmain (AU);
Kia Silverbrook, Balmain (AU)

Kia Silverbrook
Managing Director
Silverbrook Research Pty Ltd

MAILING ADDRESS OF SENDER (Please do not use customer number below):

Mr Kia Silverbrook
Silverbrook research Pty Ltd
393 Darling Street, Balmain NSW 2041, Australia

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.

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SILVERBROOK RESEARCH PTY LTD
393 DARLING STREET
BALMAIN 2041 AU AUSTRALIA

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OCT 21 2008

OFFICE OF PETITIONS

In re Application of :
Tobin Allen King, et al. :
Application No.: 10/980,227 : ON PETITION
Filed: November 4, 2004 :
Attorney Docket No. XMB012US :

This is a decision in response to the communication entitled "Petition to Correct Inventorship In A Patent Deed (35 USC 256)", filed June 23, 2008, which is properly being treated as a petition under 37 CFR 1.182 to correct the designation of the inventor's name. The $400 fee for the petition under 37 CFR 1.182 has been assessed to petitioner's deposit account, as authorized.

The petition is GRANTED.

USPTO records will be corrected as follows:

The inventor's name will be changed from " Silverbrook Kia " to " Kia Silverbrook"

A corrected Filing Receipt, which reflects the inventor's name correction, accompanies this decision on petition.

The application is being referred to the Certificates of Correction Branch for issuance of the requested Certificate of Correction.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

Sherry D. Brinkley
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
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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
10/980,227	11/04/2004	2861	1090	XMB012US	6	1

CONFIRMATION NO. 5550

CORRECTED FILING RECEIPT

24011
SILVERBROOK RESEARCH PTY LTD
393 DARLING STREET
BALMAIN, 2041
AUSTRALIA

OC000000032614206

Date Mailed: 10/15/2008

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)

Tobin Allen King, Balmain, AUSTRALIA;
Kia Silverbrook, Balmain, NSW, AUSTRALIA;

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a CON of 10/659,016 09/11/2003 PAT 6,951,390

Foreign Applications

AUSTRALIA PP7020 11/09/1998

If Required, Foreign Filing License Granted: 12/10/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 10/980,227**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

PRINTING CARTRIDGE THAT INCORPORATES AN INK SUPPLY WITH CLOSURES FOR PIERCING BY A PRINTER

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).

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LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

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SEP 0 4 2007
OFFICE OF PETITIONS

In re Application of	:
Itani et al.	: DECISION ON APPLICATION
Application No. 10/980,232	: FOR
Filed: 4 November, 2004	: PATENT TERM ADJUSTMENT
Atty. Dkt. No. 03180.0391	:

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 CFR 1.705(b)," filed on 29 June, 2007, requesting that the Office reconsider the determination of Patent Term Adjustment (PTA) that accompanied the Notice of Allowance. Applicants request that the initial determination of patent term adjustment be corrected from one hundred eleven (111) days to one hundred sixty-nine (169) days.

The 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 one hundred sixty-seven (167) days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On 23 April, 2007, the Office mailed a Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. Applicants was advised that the patent term adjustment to date was 111 days. The period of adjustment of 197 days was reduced by 86 days for applicant delay.

In response, applicants timely filed the instant request for reconsideration of the patent term adjustment along with payment of the fee set forth in 37 CFR 1.18(e). Applicants request that the patent term adjustment be corrected to 169 days. Applicants contend that the patent term should be adjusted because the Office mailed a supplemental non-final Office action, setting a new time period for reply, on 30 November, 2006, after mailing a non-final Office action on 3 October, 2006. Accordingly, the period of delay for applicant response to the non-final Office action, assert applicants' should be calculated from the mailing date of the supplemental non-final Office action mailed on 30 November, 2006, rather than from the mailing date of the original Office action mailed on 3 October, 2006.

Upon review, petitioners are correct that in view of the remailing of the non-final Office action and the restarting of the period for reply, the entry of a period of reduction of 86 days for applicant delay is not warranted. As the record establishes that the non-final Office action was remailed and that the period for reply was reset, the date the Office action was originally mailed should not be used in calculating applicant delay pursuant to 37 CFR 1.704(b). Rather, the date of remailing of the non-final Office action should be used. As applicants' response to the non-final Office action requirement remailed on 30 November, 2006, was received in the Office on 30 March, 2007, it is concluded that applicants took three months and 30 days to respond. As such, the applicant delay within the meaning of § 1.704(b) was 30 days, and a reduction of 30 days, rather than 86 days, is correct. Pursuant to 37 CFR 1.704(b), a period of reduction of 30 days should have been entered for the period beginning on March 1, 2007, the day after the date that is three months after the date of mailing of the Office action, and ending on March 30, 2007, the date the reply was filed."

In view thereof, the correct patent term adjustment at the time of mailing of the notice of allowance is one hundred sixty-seven (167) days.

In view thereof, the petition is GRANTED to the extent indicated herein.

The $200.00 fee set forth in 37 CFR 1.18(e) has been charged.

The application file is being forwarded to the Office of Patent Publications for issuance of the patent.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Encl: Copy of adjusted PAIR calculation

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Commissioner for Patents
United States Patent and Trademark Office
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SILVERBROOK RESEARCH PTY LTD
393 DARLING STREET
BALMAIN NSW 2-041 AU AUSTRALIA

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JAN 18 2007

OFFICE OF PETITIONS

In re Application of
Silverbrook, Kia
Application No. 10/980,233
Filed: November 4, 2004
Attorney Docket No. XMB010US

: DECISION GRANTING PETITION
: UNDER 37 CFR 1.78(a)(3)

This is a decision on the petition under 37 CFR 1.78(a)(3), filed October 20, 2006, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the amendment filed concurrently with the instant petition.

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

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

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

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3282.

This application is being forwarded to Technology Center Art Unit 2853 for appropriate action on the amendment filed October 20, 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 nonprovisional applications.

Liana Walsh
Liana Walsh
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/980,233	11/04/2004	2853	790	XMB010US	15	6	1

CONFIRMATION NO. 5572
CORRECTED FILING RECEIPT
OC000000022030954
OC000000022030954

24011
SILVERBROOK RESEARCH PTY LTD
393 DARLING STREET
BALMAIN, NSW 2041
AUSTRALIA

Date Mailed: 01/17/2007

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;

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a CON of 10/636,245 08/08/2003
which is a CON of 09/662,210 09/15/2000 PAT 6,612,240

Foreign Applications

If Required, Foreign Filing License Granted: 12/10/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/980,233

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Printer with an ink drying arrangement

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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DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

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

In re Application of :
Kazuya HISADA, et al. :
Application No. 10/980,267 : DECISION ON PETITION
Filed: November 4, 2004 : TO MAKE SPECIAL
For: **OPTICAL INFORMATION RECORDING MEDIUM** :

This is a decision on the petition filed March 23, 2006 under Manual of Patent Examination Procedure §708.02, VIII requesting accelerated examination.

The petition under Manual of Patent Examination Procedure §708.02, VIII, must:
(1) be filed prior to receiving any examination by the examiner,
(2) be accompanied by the required fee- $130,
(3) the claims should be directed to a single invention (if it is determined that the claims pertain to more than one invention, then applicant will have to make an election without traverse or forfeit accelerated examination status),
(4) state that a pre-examination search was made, and fully discuss the search method employed, such as classes and subclasses searched, publications, Chemical abstracts, patents, etc. A search made by a foreign patent office satisfies this requirement,
(5) be accompanied by a copy of each of the references most closely related to the subject matter encompassed by the claims if said references are not already of record,
(6) fully discuss the references, pointing out with the particularity required by 37 C.F.R. §1.111 (b) and (c), how the claimed subject matter is patentable over the references.

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

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

Krista Zele
Special Program Examiner
Technology Center 2600
Communications

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CHRISTOPHER R. SOTNICK
1701 GROVE VALLEY AVENUE
PALM HARBOR FL 34683

COPY MAILED
DEC 13 2005
OFFICE OF PETITIONS

Applicant: Sotnick
Appl. No.: 10/980,349
Filing Date: November 3, 2004
Title: MOVABLE DOSAGE INDICATOR
Pub. No.: US 2005/0098528 A1
Pub. Date: May 12, 2005

This is a decision on the request for corrected of patent application publication under 37 CFR 1.221(b), filed on June 13, 2005, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error as it includes the wrong drawings in the publication.

37 CFR 1.221(b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The error noted by requestor with respect to the publication of the wrong drawing is not an Office error or a material error by the Office under 37 CFR 1.221(b). Applicant filed the application with two sets of very similar drawings, which were both labelled Figures 1-3. The Office picked one set of drawings and used them in the publication, as it was not clear that the figures were different or that one set should be used.

Applicant may want to file an amendment cancelling the improper drawings. For information on submitting an amendment to the application, see this link "Revised Amendment Practice" on the USPTO website:
http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/moreinfoamdtprac.htm

[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

IFW

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify that this document 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 the date set forth below.

OIPE JC101 FEB 17 2005 PATENT & TRADEMARK OFFICE

Joni BOSCH
(signature)
Date of signature and deposit - Feb. 14, 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Satya P. Chauhan et al.	)	Group Art Unit (to be assigned) 1755
Serial No.: 10/980,361	)	Examiner (to be assigned)
Filed: November 3, 2004	)	
For: PROCESS FOR PRODUCING A DEICING/ANTI-ICING FLUID	)	Attorney Docket 22130(2)US (1-24769)

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

PETITION GRANTED
Richard Crispino
Richard Crispino
Special Program Examiner
TC 1700
MAR - 3 2005

PETITION TO MAKE SPECIAL BECAUSE OF ENVIRONMENTAL QUALITY (37 CFR 1.102(c))

Honorable Sir:

Applicants hereby petition to make this application special because it is for an invention that materially enhances the quality of the environment of mankind by contributing to the restoration or maintenance of the basic life-sustaining natural elements, i.e., air, water, and/or soil.

No fee is required with this petition, in accordance with 37 CFR 1.102(c).

Statements by Applicants' Attorney Explaining How the Invention Contributes to the Maintenance of Soil and Water

The invention contributes to the maintenance of soil and water by using a byproduct stream from an alkyl ester process, such as a biodiesel fuel process, to produce a deicing/anti-icing fluid. For example, a biodiesel fuel process produces a

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EVA G. TRONCOSO
16990 WILWOOD DRIVE
MONTROSE, CO 81401

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APR 18 2007

OFFICE OF PETITIONS

In re Application of	:	
Eva G. Troncoso et al	:	
Application No. 10/980,362	:	DECISION ON PETITION
Filed: November 3, 2004	:	
Attorney Docket No. TRONCOSO	:	

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

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed August 9, 2005, which set a shortened statutory period for reply of three (3) months. No extensions of time were obtained under the provisions of 37 CFR 1.136(a). Accordingly, the application became abandoned on November 10, 2005. A Notice of Abandonment was mailed on March 24, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $750, and (3) a proper statement of unintentional delay. Accordingly, the reply to the non-final Office action of August 9, 2005 is accepted as being unintentionally delayed.

Since this application was abandoned for failure to timely reply to the non-final Office action of August 9, 2005 within the extendible six-month period provided therefor, the Examiner had no procedural authority with respect to the abandoned application. See Lorenz v. Finkl, 333 F.2d 885, 891, 142 USPQ 26, 30 (CCPA 1964). Therefore, the examiner was without authority to act further in the case absent a grantable petition reviving the application. Nevertheless, in view of this decision on petition, the subsequent action taken by the examiner, i.e., the mailing of a Notice of Allowability and Notice of Allowance

and Fee(s) Due, on August 23, 2006, has been ratified. In view thereof, it is unnecessary to either vacate or remail the Notices of August 23, 2006.

The issue and publication fees in reply to the Notice of August 23, 2006 were timely paid on September 28, 2006. Accordingly, this application is being referred to Publishing Division for appropriate processing in accordance with this decision.

Frances Hicks

Frances Hicks
Petitions Examiner
Office of Petitions
(571) 272-3218

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RAY R. REGAN, ESQ.
LAW OFFICE OF RAY R. REGAN, P.A.
P.O. BOX 1442
CORRALES, NM 87048

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OCT 0 2 2006

OFFICE OF PETITIONS

In re Application of	:	
MARTINEZ	:	
Application No. 10/980,385	:	DECISION ON PETITION
Filed: June 09, 2006	:	TO WITHDRAW
Attorney Docket No. 2205.016CIP	:	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 09, 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 Ray R. Regan, the sole attorney of record.

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

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

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.

David Bucci
Petitions Examiner
Office of Petitions

cc: Michael A. Martinez
P.O. Box 4923
Albuquerque, NM 87196

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Yorgos D. Marinakis
1600 Blackhawk River Drive, NE
Rio Rancho, NM 87144-6416

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OCT 23 2008

OFFICE OF PETITIONS

In re Application of	:	
Michael A. Martinez	:	
Application No. 10/980,385	:	DECISION ON PETITION
Filed: November 3, 2004	:	TO WITHDRAW
Attorney Docket No. n/a	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 25, 2008.

The request is **APPROVED**.

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

The request was signed by Yorgos D. Marinakis on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Michael A. Martinez at the address indicated below.

There is no outstanding Office at this time.

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

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Michael A. Martinez**
P.O. Box 4923
Albuquerque, NM 87196

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/980,385	11/03/2004	Michael A. Martinez	

CONFIRMATION NO. 8587

POWER OF ATTORNEY NOTICE

59163
YORGOS D. MARINAKIS
1600 BLACKHAWK RIVER DR. NE
RIO RANCHO, NM 87144-6416

OC000000032740628

Date Mailed: 10/23/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/25/2008.

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

/tswilliams/

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

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REED SMITH LLP
P.O. BOX 488
PITTSBURGH PA 15230-0488

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OFFICE OF PETITIONS

In re Application of	:	
William L. WHITTAKER et al.	:	
Application No. 10/980,389	:	DECISION DISMISSING PETITION
Filed: November 3, 2004	:	UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. 04-433-US	:	

This is a decision on the petition under 37 CFR § 1.78(a)(6), filed April 4, 2005, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of the prior-filed provisional application 60/624,201, filed November 2, 2004.

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 and 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(e) 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 where there is a question whether the delay was unintentional.

The petition does not comply with item (1).

The amendment is not acceptable as drafted since it improperly incorporates by reference the prior-filed applications. Petitioner's attention is directed to Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980), where the court drew a distinction between a permissible 35 U.S.C. § 120 statement and the impermissible introduction of new matter by way of incorporation by reference in a 35 U.S.C. § 120 statement. The court specifically stated:

> Section 120 merely provides a mechanism whereby an application becomes entitled to benefit of the filing date of an earlier application disclosing the

> same subject matter. Common subject matter must be disclosed, in both applications, either specifically or by an express incorporation-by-reference of prior disclosed subject matter. Nothing in section 120 itself operates to carry forward any disclosure from an earlier application. In re deSeversky, supra at 674, 177 USPQ at 146-147. Section 120 contains no magical disclosure-augmenting powers able to pierce new matter barriers. It cannot, therefore, "limit" the absolute and express prohibition against new matter contained in section 251.

In order for the incorporation by reference statement to be effective as a proper safeguard against the omission of a portion of a prior application, the incorporation by reference statement must be included in the specification-as-filed, or in an amendment specifically referred to in an oath or declaration executing the application. *See* In re deSeversky, *supra*. *Note also* MPEP 201.06(c).

For the above-stated reasons, the petition is **DISMISSED**

Before the petition under 37 CFR § 1.78(a)(6) can be granted, a renewed petition and a substitute amendment or an Application Data Sheet (complying with the provisions of 37 CFR 1.121 and 37 CFR 1.76(b)(5) and (6)) 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 David Bucci at (571) 272-7099.

Brian Hearn
Petitions Examiner
Office of Petitions

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REED SMITH LLP
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OFFICE OF PETITIONS

ON PETITION

In re Application of :
William L. WHITTAKER et al. :
Application No. 10/980,389 :
Filed: November 4, 2004 :
Attorney Docket No. 04-433-US :

This is a decision on the renewed petition under 37 CFR 1.78(a)(6), filed January 9, 2007 to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of a prior-filed provisional application 60/624,201, filed November 2, 2004.

The petition is **GRANTED**.

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

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

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

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

thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

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

The application is being forwarded to Technology Center AU 3661 for appropriate action on the amendment submitted January 9, 2007, including consideration by the examiner of the claim under 35 U.S.C. §119(e) for the benefit of priority to prior-filed provisional Application No. 60/624,201.

Telephone inquiries concerning this decision should be directed to David A. Bucci at (571) 272-7099. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

David Bucci
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/980,389	11/03/2004	3661	1993	04-433-US	18	35	7

CONFIRMATION NO. 4372

CORRECTED FILING RECEIPT

OC000000022386203

718
REED SMITH LLP
P.O. BOX 488
PITTSBURGH, PA 15230-0488

Date Mailed: 02/08/2007

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

Applicant(s)

William L. Whittaker, Pittsburgh, PA;
Chris Urmson, Pittsburgh, PA;
Byron Keith Smith, Georgetown, PA;
Hiroki Kato, Pittsburgh, PA;
Nicholas Michael Miller, Hermosa Beach, CA;
Kevin Michael Peterson, Pittsburgh, PA;
Matthew Kai Johnson-Roberson, Buffalo, NY;
Vanessa Hodge, Pittsburgh, PA;
Michael Neil Clark, Melbourne, FL;
Joshua Anhalt, Pittsburgh, PA;

Power of Attorney: The patent practitioners associated with Customer Number 718.

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/624,201 11/02/2004

Foreign Applications

If Required, Foreign Filing License Granted: 05/09/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/980,389

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Methods, devices and systems for high-speed autonomous vehicle and high-speed autonomous vehicle

Preliminary Class

701

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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600 GRANT STREET
44TH FLOOR
PITTSBURGH, PA 15219

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MAR 0 3 2009

OFFICE OF PETITIONS

In re Application of Bocking et al. :
Application No. 10/980,402 :
Filing Date: November 3, 2004 :
Attorney Docket No. 291010-00066 :

Decision on Petition

This is a decision on the petition under 37 CFR 1.137(b), filed November 3, 2004, to revive the above-identified application.

The petition is **granted**.

The Office mailed a Notice of Allowance on January 24, 2008. The Notice required the submission of $1,440 for the issue fee and $300 for the publication fee. The Notice set a statutory period for reply of three (3) months.

A reply to the Notice of Allowance was filed April 24, 2008. The reply consisted of an issue fee transmittal sheet, $820 for the issue fee, and $30 for an advance order of 10 copies of the patent.

Since the full issue fee and publication fee were not paid, the application became abandoned as of April 25, 2008. A Notice of Abandonment was mailed July 3, 2008.

The instant petition was filed November 3, 2004. The instant petition requests revival of the application.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:

(1) the reply required to the outstanding Office action or notice, unless previously filed,
(2) the petition fee,
(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, and
(4) a terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

Petitioner has submitted the remainder of the required issue fee and has submitted the publication fee. Petitioner has submitted the required petition fee of $1,540. Petitioner has stated the entire

delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

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

The Office of Data Management, Patent Publication Branch, will be informed of the instant decision and the application will be further examined in due course.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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90 SOUTH SEVENTH STREET
MINNEAPOLIS MN 55402-3901

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JAN 18 2007

OFFICE OF PETITIONS

In re Application of	:	
Allen et al.	:	
Application No. 10/980,405	:	DECISION ON PETITION
Filed: 11/02/2004	:	
Attorney Docket No. 56578-308222	:	

This is a decision on the petition under 37 CFR 1.137(f), filed December 7, 2006, which is being treated as a petition under 37 CFR 1.137(b) to revive the present nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the present nonprovisional application is the subject of an application filed in an eighteen-month publication country on July 1, 2005. However, the USPTO was unintentionally not notified of this filing within forty-five days subsequent to the filing of the subject application in an eighteen-month publication country. Accordingly, 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 eighteen 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 present 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 forty-five 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 Communication Regarding Rescission of Nonpublication Request and/or Notice of Foreign Filing, which sets forth the projected publication date of April 26, 2007, accompanies this decision on petition.

This matter is being referred to Technology Center Art Unit 2191.

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

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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

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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/980,405	11/02/2004	David C. Allen	56578-308222

CONFIRMATION NO. 3804

25764
FAEGRE & BENSON LLP
PATENT DOCKETING
2200 WELLS FARGO CENTER
90 SOUTH SEVENTH STREET
MINNEAPOLIS, MN 55402-3901

Date Mailed: 01/17/2007

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

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 04/26/2007.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"[1] then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282. Questions regarding publications of patent applications should be directed to the patent application publication hotline at (703) 605-4283 or by e-mail pgpub@uspto.gov.

[1] Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

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MINNEAPOLIS MN 55402-3901

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MAR 1 2 2007

OFFICE OF PETITIONS

In re Application of	:	
Wadsworth et al.	:	
Application No. 10/980,415	:	DECISION ON PETITION
Filed: 11/02/2004	:	
Attorney Docket No. 56578-308706	:	

This is a decision on the petition under 37 CFR 1.137(f), filed December 7, 2006, which is being treated as a petition under 37 CFR 1.137(b) to revive the present nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the present nonprovisional application is the subject of an application filed in an eighteen-month publication country on July 1, 2005. However, the USPTO was unintentionally not notified of this filing within forty-five days subsequent to the filing of the subject application in an eighteen-month publication country. Accordingly, 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 eighteen 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 present 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 forty-five 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 Communication Regarding Rescission of Nonpublication Request and/or Notice of Foreign Filing, which sets forth the projected publication date of June 21, 2007, accompanies this decision on petition.

This matter is being referred to Technology Center Art Unit 2161.

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

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/980,415	11/02/2004	Jeremy E. Wadsworth	56578-308706

CONFIRMATION NO. 5075

25764
FAEGRE & BENSON LLP
PATENT DOCKETING
2200 WELLS FARGO CENTER
90 SOUTH SEVENTH STREET
MINNEAPOLIS, MN 55402-3901

Date Mailed: 03/12/2007

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

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 06/21/2007.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"[1] then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282. Questions regarding publications of patent applications should be directed to the patent application publication hotline at (703) 605-4283 or by e-mail pgpub@uspto.gov.

[1] Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

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MAR 1 2 2007

OFFICE OF PETITIONS

In re Application of	:	
Varela et al.	:	
Application No. 10/980,416	:	DECISION ON PETITION
Filed: 11/02/2004	:	
Attorney Docket No. 56578-310859	:	

This is a decision on the petition under 37 CFR 1.137(f), filed December 7, 2006, which is being treated as a petition under 37 CFR 1.137(b) to revive the present nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the present nonprovisional application is the subject of an application filed in an eighteen-month publication country on July 1, 2005. However, the USPTO was unintentionally not notified of this filing within forty-five days subsequent to the filing of the subject application in an eighteen-month publication country. Accordingly, 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 eighteen 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 present 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 forty-five 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 Communication Regarding Rescission of Nonpublication Request and/or Notice of Foreign Filing, which sets forth the projected publication date of June 21, 2007, accompanies this decision on petition.

This matter is being referred to Technology Center Art Unit 2176.

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

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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

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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/980,416	11/02/2004	J. Alberto Varela	56578-310859

CONFIRMATION NO. 5074

25764
FAEGRE & BENSON LLP
PATENT DOCKETING
2200 WELLS FARGO CENTER
90 SOUTH SEVENTH STREET
MINNEAPOLIS, MN 55402-3901

Date Mailed: 03/12/2007

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

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 06/21/2007.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"[1] then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282. Questions regarding publications of patent applications should be directed to the patent application publication hotline at (703) 605-4283 or by e-mail pgpub@uspto.gov.

[1] Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

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PVF -- SUN MICROSYSTEMS INC.
C/O PARK, VAUGHAN & FLEMING LLP
2820 FIFTH STREET
DAVIS, CA 95618-7759

Mail Date: 04/21/2010

Applicant	: David Vengerov	: DECISION ON REQUEST FOR
Patent Number	: 7665089	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/980,422	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/02/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1506** 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

FAEGRE & BENSON LLP
PATENT DOCKETING
2200 WELLS FARGO CENTER
90 SOUTH SEVENTH STREET
MINNEAPOLIS MN 55402-3901

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OFFICE OF PETITIONS

In re Application of	:	
Allen et al.	:	
Application No. 10/980,424	:	DECISION ON PETITION
Filed: 11/02/2004	:	
Attorney Docket No. 56578-308220	:	

This is a decision on the petition under 37 CFR 1.137(f), filed December 7, 2006, which is being treated as a petition under 37 CFR 1.137(b) to revive the present nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the present nonprovisional application is the subject of an application filed in an eighteen-month publication country on July 1, 2005. However, the USPTO was unintentionally not notified of this filing within forty-five days subsequent to the filing of the subject application in an eighteen-month publication country. Accordingly, 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 eighteen 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 present 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 forty-five 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 Communication Regarding Rescission of Nonpublication Request and/or Notice of Foreign Filing, which sets forth the projected publication date of June 21, 2007, accompanies this decision on petition.

This matter is being referred to Technology Center Art Unit 3625.

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

Christina T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/980,424	11/02/2004	David C. Allen	56578-308220

CONFIRMATION NO. 5071

25764
FAEGRE & BENSON LLP
PATENT DOCKETING
2200 WELLS FARGO CENTER
90 SOUTH SEVENTH STREET
MINNEAPOLIS, MN 55402-3901

Date Mailed: 03/12/2007

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

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 06/21/2007.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"[1] then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282. Questions regarding publications of patent applications should be directed to the patent application publication hotline at (703) 605-4283 or by e-mail pgpub@uspto.gov.

[1] Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

Mail Date: 04/20/2010

Applicant	: Do-heon Kim	: DECISION ON REQUEST FOR
Patent Number	: 7617316	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/980,436	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/04/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1375** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

FEB 17 2005

Albert Wall
515 So. Crescent Ave.
Lodi CA 95240

In re Application of Albert Wall Serial No.: 10/980,438 Filed: October 29, 2004 For: Flexible Gripping Hair Pick	: : : : :	DECISION ON PETITION

This is in response to applicants' petition filed October 29, 2004, to make the above-identified application special under the provisions of 37 CFR 1.102(c), based on the age of the applicant.

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

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

Should there be any questions with regard to this letter please contact Esther M. Kepplinger 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.

Esther M Kepplinger

Esther M. Kepplinger, Director
Technology Center 3700

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MINTZ, LEVIN, COHN, FERRIS, GLOVSKY
AND POPEO, P.C.
ONE FINANCIAL CENTER
BOSTON MA 02111

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JUL 2 6 2006

OFFICE OF PETITIONS

In re Application of	:	
Peterson, et al.	:	
Application No.: 10/980,458	:	ON PETITION
Filed: November 3, 2004	:	
Attorney Docket No.:19566-557 OACIP	:	
For: FIBROBLAST GROWTH FACTOR 20 AND METHODS OF USE THEREOF		

This decision addresses two petitions: (1) the petition under 37 CFR 1.47(a); and (2) the petition under 37 CFR 1.137(b) to revive the above-identified application. Both petitions were filed January 19, 2006.

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

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

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.47(a) and 1.137(b)." Petitioners are advised that this is not a final agency decision.

On December 2, 2004, the Office mailed a Notice to File Missing Parts of Nonprovisional Application to petitioners, which set forth an extendable two (2) month period to submit an executed oath or declaration and a surcharge under 37 CFR 1.16(e) for its late filing. No extensions of time being obtained and no reply being received in the Office, this application became abandoned on February 3, 2005. A Notice of Abandonment was mailed on August 23,2005.

PETITION UNDER 37 CFR 1.47(a)

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 as specified in 37 CFR § 1.17(g), and
(4) the last known address of the omitted inventor(s).

This petition lacks items (1) and (2) above.

As to item (1), applicants have failed to establish that non-signing inventor Jeffrey Peterson cannot be located after diligent effort. The petition contains a declaration by Janell M. Lawson, who states that a two mailings to Mr. Peterson's last known addresses were returned to sender. Ms. Lawson conducted an Internet search for individuals named "Jeffrey Peterson." Ms. Lawson states that her assistant, Sabrina Ritchie, called individuals named "Jeffrey Peterson" in Massachusetts and Connecticut. If no one picked up, she left a message asking them to call back. Of the persons contacted, each allegedly said he was not the Jeffrey Peterson who worked for CuraGen Corporation, or did not return the telephone message.

Sabrina Ritchie's statement regarding her efforts to locate Mr. Peterson is required. Per MPEP 409.03(d): The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the non-signing inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the non-signing inventor should be included in the statement of facts. It is important that the statement contain facts as opposed to conclusions.

As to item (2), an oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 still has not been presented. The declaration contains an noninitialed, nondated alteration to Inventor Mezes' residence. 37 CFR 1.52(c) states that "[a]ny interlineation, erasure, cancellation or other alteration of the application papers filed should be made on or before the signing of the accompanying oath or declaration pursuant to 1.63...." This includes the oath or declaration. The Office will not consider whether noninitialed and or nondated alterations were made before or after signing of the oath or declaration but will require a new oath or declaration. See MPEP 605.04(a). An oath or declaration in compliance with 37 CFR 1.63 and 1.64 signed by the Rule 1.47 applicants on behalf of Mr. Peterson is REQUIRED. See MPEP 409.03(a).

Fortunately, the deficiencies or inaccuracies relate to a signing inventor. Thus, pursuant to 37 CFR 1.67(a)(2), Mr. Mezes can correct his information on a supplemental declaration identifying the entire inventive entity but signed only by him.

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

PETITION UNDER 37 CFR 1.137(b)

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

(1) the required reply, unless previously filed;

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

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

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

This petition lacks item (1) above. The required reply is an acceptable declaration -- whether fully executed, or partially executed with Rule 47 status accorded to the application. Since the petition under 37 CFR 1.47(a) is dismissed, petitioners have not submitted the required reply to revive the application.

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

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

By mail:

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

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

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

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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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 :
Peterson, et al. :
Application No.: 10/980,458 : ON PETITION
Filed: November 3, 2004 :
Attorney Docket No.:19566-557 OACIP :
For: FIBROBLAST GROWTH FACTOR 20
AND METHODS OF USE THEREOF

This decision addresses two reconsideration petitions: (1) the petition under 37 CFR 1.47(a); and (2) the petition under 37 CFR 1.137(b) to revive the above-identified application. Both petitions were filed December 13, 2006

The petition under 37 CFR 1.47(a) is GRANTED.

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

On December 2, 2004, the Office mailed a Notice to File Missing Parts of Nonprovisional Application to petitioners, which set forth an extendable two (2) month period to submit an executed oath or declaration and a surcharge under 37 CFR 1.16(e) for its late filing. No extensions of time being obtained and no reply being received in the Office, this application became abandoned on February 3, 2005. A Notice of Abandonment was mailed on August 23, 2005.

Petitioners have shown that the non-signing inventor, Jeffrey Peterson, **cannot be located**. Specifically, Janell M. Lawson states that a two mailings to Mr. Peterson's last known addresses were returned to sender. Ms. Lawson conducted an Internet search for individuals named "Jeffrey Peterson." Ms. Lawson's assistant, Sabrina Ritchie, called individuals named "Jeffrey Peterson" in Massachusetts and Connecticut. If no one picked up, she left a message asking them to call back. Of the persons contacted, each told Ms. Ritchie that he was not the Jeffrey Peterson who

worked for CuraGen Corporation, or did not return the telephone message. Petitioners have submitted statements of facts from appropriate individuals. Petitioners have filed an acceptable declaration signed by the available joint inventors. The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

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

With respect to the petition to revive under 37 CFR 1.137(b), petitioners have submitted a proper reply to the December 2, 2004 Notice, in the form of the surcharge and an acceptable declaration because of the granted Rule 47(a) petition, a proper statement of the unintentional nature of the delay in responding to the December 2, 2004 Notice, and the petition fee. Accordingly, the petition under 37 CFR 1.137(b) is granted.

After the mailing of this decision, the file will be returned to the Office of Initial Patent Examination for further processing.

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

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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JEFFREY PETERSON
74 HORSESHOE RD.
GUILFORD, CT 06437

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OFFICE OF PETITIONS

In re Application of :
Peterson, et al. :
Application No.: 10/980,458 : LETTER
Filed: November 3, 2004 :
Attorney Docket No.:19566-557 OACIP :
For: FIBROBLAST GROWTH FACTOR 20
AND METHODS OF USE THEREOF

Dear Mr. Peterson:

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.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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

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OFFICE OF PETITIONS

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

In re Application of
Alvarez, Chillakuru, Jeffers, LaRochelle, Lichenstein,
Namdev, Valaz, Yim, and Hahne
Application No.: 10/980,459
Filed: November 3, 2004
Attorney Docket No: 15966-557 AM
For: METHODS OF PREVENTING AND TREATING
ALIMENTARY MUCOSITIS

: DECISION ACCORDING
: RULE 47(a) STATUS

This is in response to the petition under 37 CFR 1.47(a), filed June 28, 2005.

The petition is **GRANTED**.

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

The above-identified application was filed on November 3, 2004, and was not accompanied by a properly executed oath or declaration. A Notice to File Missing Parts of Nonprovisional Application was mailed on April 22, 2005, requiring a properly executed oath or declaration and payment of a surcharge for the late filing of the same. The notice allowed an extendable period for response of two months from its mailing date. The petition under 37 CFR 1.47(a) was filed, responsively, on June 28, 2005. Deposit account 50-2648 will be charged $60.00 for the extension of time within the first month that is necessary for the petition to be considered timely.

Petitioner has shown that inventor Namdev is either unavailable or is refusing to join the prosecution of the above-identified application after efforts were made to present the non-signing inventor 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.

Deposit account 50-2648 will also be charged $65.00 for the surcharge assessed for the late filing of the declaration.

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
P.O. BOX 1450
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6700 LUDWIGSHAFEN
RHEINLAND-PFATZ D-67056 67056
DE GERMANY

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APR 15 2010
OFFICE OF PETITIONS

In re Application of	:	
Klots et al.	:	APPLICATION FOR PATENT
Application No. 10/980,461	:	TERM ADJUSTMENT
Filed: November 3, 2004	:	
Attorney Docket No. JD-313	:	

This is a decision on the "REQUEST FOR RECONSIDERATION UNDER 37 CFR §1.705(b)" filed January 6, 2010. Applicants submit that the correct patent term adjustment to be indicated on the patent is one thousand one hundred forty-one (1141) days, not six hundred thirty-three (633) days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicants seek this correction partly on the basis that the Office will take in excess of three years to issue this patent.

The request for reconsideration of the patent term adjustment is **GRANTED to the extent indicated herein.**

The Office has updated the PALM and PAIR screens to reflect that the corrected patent term adjustment determination at the time of the mailing of the notice of allowance is **six hundred thirty-two (632) days**. A copy of the updated PALM screen, showing the corrected determination, is enclosed.

Initially, applicants disclose that they should have been assessed a period of delay of 1 day pursuant to 37 CFR 1.704(c)(8) for the filing of the Supplemental Response on August 13, 2009. The Office concurs with applicants. Applicants submitted a Supplemental Response on August 13, 2009, one day after filing a reply on August 12, 2009. The record

does not support a conclusion that the examiner expressly requested the filing of the Supplemental Response. Accordingly, a period of reduction of 1 day of applicant delay will be entered.

As to applicants' request for 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 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 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.[1]

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).

In view of the additional period of reduction pursuant to 37 CFR 1.704(c)(8), the patent term adjustment determination at the time of the mailing of the notice of allowance should be 632 days (633 days of Office delay - 1 days of applicant delay).

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).

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

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of updated PALM screen

---

[1] 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.

Day : Wednesday

PALM INTRANET

Date: 4/14/2010
Time: 06:59:06

PTA Calculations for Application: 10/980461			
Application Filing Date:	11/03/2004	PTO Delay (PTO):	633
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	0
Post-Issue Petitions:	0	Total PTA (days):	632
PTO Delay Adjustment:	-1		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
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63	11/05/2009	MAIL NOTICE OF ALLOWANCE			
62	10/05/2009	ISSUE REVISION COMPLETED			
61	11/05/2009	DOCUMENT VERIFICATION			
60	11/05/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
59	10/30/2009	EXAMINER'S AMENDMENT COMMUNICATION			
58	10/30/2009	NOTICE OF ALLOWABILITY			
57	08/13/2009	MISCELLANEOUS INCOMING LETTER			
56	08/12/2009	AFFIDAVIT(S) (RULE 131 OR 132) OR EXHIBIT(S) RECEIVED			
55	09/02/2009	DATE FORWARDED TO EXAMINER			
54	08/12/2009	RESPONSE AFTER NON-FINAL ACTION			
53	06/01/2009	MAIL NON-FINAL REJECTION			
52	05/28/2009	NON-FINAL REJECTION			
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49	03/26/2009	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
48	03/28/2009	DATE FORWARDED TO EXAMINER			
47	03/26/2009	REQUEST FOR CONTINUED EXAMINATION (RCE)			
46	03/28/2009	DISPOSAL FOR A RCE / CPA / R129			
45	03/26/2009	WORKFLOW - REQUEST FOR RCE - BEGIN			
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42	10/06/2008	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			

41	11/05/2008	DATE FORWARDED TO EXAMINER			
40	10/09/2008	RESPONSE AFTER NON-FINAL ACTION			
39	07/09/2008	MAIL NON-FINAL REJECTION			
38	07/03/2008	NON-FINAL REJECTION			
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34	01/07/2008	NON-FINAL REJECTION			
31	02/03/2005	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
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27	11/08/2007	DATE FORWARDED TO EXAMINER			
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25	10/17/2007	WITHDRAW FLAGGED FOR 5/25			
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20	08/09/2007	CASE DOCKETED TO EXAMINER IN GAU			
19	02/26/2007	CORRESPONDENCE ADDRESS CHANGE			
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14	04/14/2006	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
13	04/07/2006	REFERENCE CAPTURE ON IDS			
12.7	04/07/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
12	04/07/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
11.7	02/07/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
11	02/07/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
		ELECTRONIC INFORMATION DISCLOSURE			

10.7	02/03/2005	STATEMENT			
10	02/03/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
9	09/13/2005	APPLICATION DISPATCHED FROM OIPE			
8	09/13/2005	APPLICATION IS NOW COMPLETE			
7	02/07/2005	ADDITIONAL APPLICATION FILING FEES			
6	02/07/2005	APPLICANT HAS SUBMITTED NEW DRAWINGS TO CORRECT CORRECTED PAPERS PROBLEMS			
5	12/22/2004	CORRECTED PAPER			
3	12/14/2004	CLEARED BY OIPE CSR			
2	12/12/2004	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	11/03/2004	INITIAL EXAM TEAM NN			

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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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2 4 FEB 2009

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

In re Application of	:
Theodorus Korse	:
Application No. 10/980,477	: DECISION ON PETITION
Filed: November 03, 2004	: UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 03330-P0025A	:

This is a decision on the petition under 37 CFR 1.78(a)(3), filed 12 May 2008, 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 04 December 2007.

The petition is **DISMISSED**.

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

A petition for acceptance of a 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(s), unless previously submitted;

(2) the surcharge set forth in § 1.17(t); and

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

The petition does not comply with item (1) 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 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 PCT
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

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

By fax: (571) 273-0459
ATTN: Office of PCT Legal Administration

Any questions concerning this matter may be directed to Derek A. Putonen at (571) 272-3294.

Bryan Lin

Bryan Lin
Legal Examiner
Office of PCT Legal Administration

2 8 JUL 2009

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

In re Application of	:
Theodorus Korse	:
Application No. 10/980,477	: DECISION ON PETITION
Filed: November 03, 2004	: UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 03330-P0025A	:

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed 16 June 2009, 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 concurrently filed with the renewed petition.

The renewed petition is **GRANTED**.

The present nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed international 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).

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.

Applicant previously satisfied items (2) and (3).

The renewed petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(3) in that a proper reference to the prior-filed international 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).

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 prior-filed international 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 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 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 this application is entitled to the benefit of the earlier filing date.

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

Any inquiries concerning this decision may be directed to Derek Putonen at (571) 272-3294. 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 3657 for appropriate action on the amendment filed 16 June 2009, 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 international application.

Bryan Lin

Bryan Lin
Legal Examiner
Office of PCT Legal Administration

ATTACHMENT: Corrected Filing Receipt

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JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK, NJ 08933-7003

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OFFICE OF PETITIONS

In re Application of Wiegand et al. :
Application No. 10/980,501 : Decision on Petition
Filing Date: November 3, 2004 :
Attorney Docket No. JBP0530USDIV1 :

This is a decision on the petition under 37 CFR 1.137(b), filed June 9, 2006, to revive the above-identified application.

The petition is **granted**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed December 1, 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 March 2, 2006. A Notice of Abandonment was mailed June 15, 2006.

The instant petition requests revival of the application.

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

Technology Center Art Unit 1616 will be informed of the instant decision and the application, including the reply filed June 9, 2006, will be further examined in due course.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

Mail Date: 04/21/2010

Applicant	: Kiyotaka Nitta	: DECISION ON REQUEST FOR
Patent Number	: 7628687	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/980,527	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/03/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1404** 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 JAMES TROSINO
92 NATOMA STREET, SUITE 211
SAN FRANCISCO, CA 94105

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OFFICE OF PETITIONS

In re Application of	:	
Pierre Lermant, et al.	:	
Application No.: 10/980,530	:	ON PETITION
Filed: November 3, 2004	:	
Attorney Docket No. EFIM0329C1	:	

This is a decision on the petition under 37 CFR 1.182, filed November 17, 2005, to correct the spelling of one of the inventor's name.

The petition is GRANTED.

USPTO records will be corrected as follows:

The second inventor's name will be changed from "Nick Hatzel" to "Nick Hartzel, Jr."

A corrected Filing Receipt is enclosed. It is noted that the correction was included in the Certificate of Correction dated August 29, 2006.

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

Enclosure: 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
10/980,530	11/03/2004	2854	1286	EFIM0329C1	13	26	4

CONFIRMATION NO. 6376
CORRECTED FILING RECEIPT
OC000000021562829
OC000000021562829

31408
LAW OFFICE OF JAMES TROSINO
92 NATOMA STREET, SUITE 211
SAN FRANCISCO, CA 94105

Date Mailed: 12/11/2006

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)

Pierre Lermant, Sunnyvale, CA;
Nick Hartzel JR., Stillwater, MN;

Assignment For Published Patent Application

Electronics for Imaging, Inc.

Power of Attorney:

James Etheridge--37614
James Trosino--39862

Domestic Priority data as claimed by applicant

This application is a CON of 10/610,128 06/30/2003 PAT 6,962,449

Foreign Applications

If Required, Foreign Filing License Granted: 12/13/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is
US10/980,530

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

METHODS AND APPARATUS FOR MEDIA SELECTION IN CLUSTER PRINTING SYSTEMS

Preliminary Class

400

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

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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.

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NOT GRANTED

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OFFICE OF PETITIONS

In re Application of :
Stephen J. MILLER :
Application No. 10/980,572 : DECISION ON PETITION
Filed: 11/2/2004 :
Attorney Docket No. G-0160 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed 1/14/2008, 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 11/15/2007, as required by the Notice of Allowance and Fee(s) Due, mailed 8/15/2007. Accordingly, the date of abandonment of this application is 11/16/2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1440 and the publication fee of $300, (2) the petition fee of $1540; and (3) an adequate statement of unintentional delay.

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

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Karen B. Tripp
Attorney at Law
P.O. Box 1301
Houston, TX 77251-1301

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OFFICE OF PETITIONS

In re Application of	:	
Cindy Ching Fang, et. al.	:	
Application No. 10/980,587	:	ON PETITION
Filed: November 3, 2004	:	
Attorney Docket No. HALB:056	:	

This is a decision on the petition under 37 CFR 1.137(b), filed February 19, 2008, to revive the above-identified application.

The application became abandoned for failure to respond to the non-final Office action mailed May 17, 2007. A Notice of Abandonment was mailed on December 14, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b), in that, petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of $1,540; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

This application file is being referred to Technology Center Art Unit 1796 for further processing.

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

Andrea Smith
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

In re Application of	:	
Rijsinghani et al.	:	DECISION ON PETITIONS
Application No. 10/980,613	:	UNDER 37 CFR 1.78(a)(3)
Filed: 3 November, 2004	:	AND 37 CFR 1.78(a)(6)
Atty Docket No. 16178.0004US1	:	

This is a decision on the paper filed on 23 August, 2005, which is treated as petitions under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), to accept an unintentionally delayed claim under 35 U.S.C. §§120, and 119(e) for the benefit of the prior-filed applications set forth in the concurrently filed amendment.

The petitions are **Granted**.

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

(1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The 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, intermediate nonprovisional Application No. 09/922,753 was filed within twelve months of the filing date of the prior-filed provisional application, Application No. 60/244,039, which was filed on 26 October, 2000, 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 nonprovisional applications has been included in an amendment to the first sentence of the specification following the title and in an Application Data Sheet, 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 nonprovisional 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.

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

This application is being forwarded to Technology Center Art Unit 2154 for appropriate action on the amendment submitted 23 August, 2005, including consideration by the examiner of the claim for the benefit of priority to the prior-filed applications.

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

Attachment: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/980,615	11/03/2004	Andrew E. Levi	35436.7	3979

7590 09/26/2008
Schultz & Associates, P.C.
5400 LBJ Freeway, Suite 1200
Dallas, TX 75240

EXAMINER
NGUYEN, TAN D

ART UNIT	PAPER NUMBER
3689	

MAIL DATE	DELIVERY MODE
09/26/2008	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

SEP 26 2008

TECHNOLOGY CENTER 3600

Schultz & Associates, P.C.
5400 LBJ Freeway, Suite 1200
Dallas, TX 75240

In re application of
Andrew E. Levi et al.
Application No. 10/980,615
Filed: November 3, 2004
For: SYSTEM AND METHOD FOR COMPREHENSIVE MANAGEMENT OF COMPANY EQUITY STRUCTURES AND RELATED COMPANY DOCUMENTS WITH FINANCIAL AND HUMAN RESOURCE SYSTEM INEGRATION

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 CFR 1.102

This is a decision on the petition filed on June 13, 2008 to make the above-identified application special for Infringement under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DENIED**.

REGULATION AND PRACTICE

To be eligible for accelerated examination under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), the following conditions must be satisfied:

1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;
4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

The petition to make special for Infringement under 37 C.F.R. § 1.102(d) is not acceptable at least because it was not filed with the application as required in the above Federal Register Notice of June 26, 2006. It appears that the petition was filed under the guidelines for making an application special that were in effect prior to August 25, 2006. As of August 25, 2006 the new guidelines replaced the old guidelines. Since applicant's petition was received on June 13, 2008, the petition must be considered under the new guidelines and thus is properly **DENIED**.

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 Teri P. Luu, Quality Assurance Specialist, at (571) 272-7045.

Teri P. Luu,
Quality Assurance Specialist
Technology Center 3600

TL: 09/24/08

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.
10/980,615	11/03/2004	Andrew E. Levi	35436.7	3979

7590 11/03/2008
Schultz & Associates, P.C.
5400 LBJ Freeway, Suite 1200
Dallas, TX 75240

EXAMINER
NGUYEN, TAN D

ART UNIT	PAPER NUMBER
3689	

MAIL DATE	DELIVERY MODE
11/03/2008	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Schultz & Associates, P.C.
5400 LBJ Freeway, Suite 1200
Dallas, TX 75240

In re Application of: Andrew E. Levi et al.
Serial No.: 10/980,615
Filed: November 3, 2004
Title: SYSTEM AND METHOD FOR COMPREHENSIVE MANAGEMENT OF COMPANY EQUITY STRUCTURES AND RELATED COMPANY DOCUMENTS WITH FINANCIAL AND HUMAN RESOURCE SYSTEM INTEGRATION

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision in response to the submission denominated "Renewed Petition to Make Special and Request for Reconsideration" received on October 20, 2008. The paper is being treated as a petition under 37 CFR 1.181 to review the decision mailed September 26, 2008, denying accelerated examination status for the instant application. The signatory of the September 26, 2008 decision denying accelerated examination status possessed delegated authority to act on behalf of the Technology Center Director in such matters. Therefore, the petition received on October 20, 2008 is a request for review of a decision of a Technology Center Director. Accordingly, the Office of the Deputy Commissioner for Patent Examination Policy has decision-making authority over Applicant's petition. M.P.E.P. § 1002.02(b)(15).

The petition under 37 CFR 1.181 to reconsider the denial of accelerated examination status for application No. 10/980,615 and to grant such status under 37 CFR 1.102 is **DENIED**.

Background

The above-identified application was filed under 35 U.S.C. § 111(a) on November 3, 2004.

On June 13, 2008, a submission denominated "Petition to Make Special" was received. Petitioner alleges that there is an infringing device actually on the market and method in use.

On September 26, 2008, a decision was mailed by the USPTO denying Applicant's petition to make special. The decision outlined the requirements for accelerated examination pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" (71 Fed Reg. 36323), and indicated that petition was not filed with the application as the justification for denying special examination status to the application.

On October 20, 2008, Applicant submitted the instant paper, which is being treated as a Petition under 37 CFR 1.181, requesting reconsideration of the January 9, 2008 denial of the petition to make special.

Applicable Regulations and Notice Sections

37 CFR § 1.102 Advancement of Examination

> (a) Applications will not be advanced out of turn for examination or for further action except as provided by this part, or upon order of the Director to expedite the business of the Office, or upon filing of a request under paragraph (b) of this section or upon filing a petition under paragraphs (c) or (d) of this section with a showing which, in the opinion of the Director, will justify so advancing it.

Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination", 71 Fed. Reg. 36,323 (Jun. 26, 2006)

The relevant portions of the Accelerated Examination Notice are as follows:

> *Supplementary Information:*
>
> ...
>
> The USPTO is revising its procedures for applications made special under the accelerated examination program with the goal of completing examination within twelve months of the filing date of the application.
>
> The USPTO is similarly revising the procedures for other petitions to make special, except those based on applicant's health or age or the PPH pilot program. Specifically, other petitions to make special (*i.e.*, petitions based on: manufacture, **infringement**, environmental quality, energy, recombinant DNA, superconductivity materials, HIV/AIDS and cancer, countering terrorism, and biotechnology applications filed by small entities (*see* MPEP § 708.02)) will be processed and examined using the revised procedure for accelerated examination. Thus, all petitions to make special, except those based on applicant's health or age or the PPH pilot program, will be required to comply with the requirements of petitions to make special under the accelerated examination program that are set forth in this notice.
>
> Any petition to make special, other than those based on applicant's health or age or the PPH pilot program, filed on or after the effective date must meet the requirements set forth in this notice.
>
> A petition to make special filed after the effective date will only be granted if it is based upon applicant's health or age or is under the PPH pilot program, or if it complies with the requirements set forth in this notice.

...

Part I. Requirements for Petitions to Make Special under Accelerated Examination: A new application may be granted accelerated examination status under the following conditions:

(1) The application must be filed with a petition to make special under the accelerated examination program accompanied by either the fee set forth in 37 CFR 1.17(h) or a statement that the claimed subject matter is directed to environmental quality, energy, or countering terrorism.

Decision

Petitioner requests reconsideration of the denial of the petition based upon petitioner's assertion that when the current guidelines for making an application special were instituted, there was no need to petition to advance the application out of turn for examination as Applicant was not aware of an infringing device on the market. Applicant requests reconsideration of the USPTO denial to have the current application prosecuted as special accelerated examination.

Under this program, a petition to make special filed after the effective date will only be granted if it is based upon applicant's health or age or is under the PPH pilot program, or if it complies with the requirements set forth in the Accelerated Examination Notice. These requirements include the submission of a petition to make special at the time the application is filed.

CONCLUSION

For the above-stated reasons, the petition under 37 CFR 1.181 to reconsider a dismissal to make special application No. 10/980,615 is **DENIED**. Therefore, the USPTO will examine the above-identified application in accordance with standard examination procedures.

This decision may be viewed as final agency action. See MPEP 1002.02.

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

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

Telephone inquiries related to this decision should be directed to Pinchus M. Laufer, Legal Advisor at (571) 272-7726.

Robert A. Clarke

Robert A. Clarke, Director
Office of Patent Legal Administration
Office of the Deputy Commissioner for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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VIDAS, ARRETT & STEINKRAUS, P.A.
SUITE 400, 6640 SHADY OAK ROAD
EDEN PRAIRIE, MN 55344

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OFFICE OF PETITIONS

In re Application of
Henrik Schroder, et al.
Application No. 10/980,623
Filed: November 3, 2004
Attorney Docket No. H01.2B-11712-US01

ON PETITION

This is a decision in response to the petition to withdraw the holding of abandonment under 37 CFR 1.181 filed April 19, 2007, which is being treated as a petition under 37 CFR 1.137(b) to revive the above-identified application.

A review of the record discloses that the application became abandoned for failure to pay the issue and publication fees on or before March 13, 2007. A Notice of Abandonment was mailed on April 10, 2007. In response, on April 19, 2007, the present petition was filed. Petitioner argues that the no abandonment existed since sufficient funds were available for the issue/publication fee on March 6, 2007.

Petitioner's argument is not well taken. Part B of the Notice of Allowance and Fee(s) Due form was submitted on March 5, 2007. 37 CFR 1.25 states that "[a]n amount sufficient to cover all fees, services, copies, etc., requested must **always** be on deposit. Charges to accounts with insufficient funds will not be accepted." (emphasis added) However, on March 5, 2007 when the Office attempted to charge the issue and publication fees, the deposit account contained insufficient funds. Counsel's deposit account was not replenished until March 6, 2007. Consequently, the application was properly held abandoned.

The petition to withdraw the holding of abandonment under 37 CFR 1.181 is **DISMISSED.**

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

Since it is noted that the requisite issue/publication fees have yet to be charged, the fees are been charged to counsel's deposit account as authorized.

---

[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.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the $1,400 issue fee and the $300 publication fee; (2) the petition fee of $1,500; and (3) an adequate statement of unintentional delay.[3]

Accordingly, the petition under 37 CFR 1.137(b) is **GRANTED**.

It is noted that, although the file does not indicate a change of address has been submitted, the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record. Further, there is no indication that the petition is signed by a registered patent attorney or patent agent of record. However, in accordance with 37 CFR 1.34, the signature of Mr. James L. Shands appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts.

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

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: JAMES L. SHANDS
VIDAS, ARRETT & STEINKRAUS
6109 BLUE CIRCLE DRIVE, SUITE 2000
MINNETONKA, MN 55343-9185

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

LTC Darrell Massie
Attn: MADN-CME
646 Swift Road
West Point NY 10996-1905

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FEB 08 2006

OFFICE OF PETITIONS

In re Application of	:	
Massie et al.	:	
Application No. 10/980,631	:	ON PETITION
Filed: November 3, 2004	:	
Title: PROCESS FOR LINKING	:	
ARBITRARY COMPUTER MODELS FOR	:	
PROCESS OPTIMIZATION	:	

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

The petition is dismissed.

The petition under 37 CFR 1.137(a) will not be treated on its merits, but rather will remain in the file until the United States Patent and Trademark Office (Office) receives a renewed petition under 37 CFR 1.137(a), as well as the payment of the requisite petition fee of $250.00 for a small entity, the amount due on the filing of the petition.[1]

The Office notes:

> 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

[1] A review of the USPTO finance records reveals that petitioner has not paid any fees in this application to date.

> 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.**

MPEP 711.03(c)(III)(B) (emphasis added).

Accordingly, the Office lacks the discretion to, and will not, address the merits of any petition seeking revival of an abandoned application in the absence of the payment of the petition fee required by statute. In this regard, this application is properly considered abandoned by operation of 35 USC § 133 for failure to prosecute.

A request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)." In the alternative, petitioner may file a petition under 37 CFR 1.137(b) to revive for unintentional delay.

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

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

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

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

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Attn: MADN-CME
LTC Darrell Massie
646 Swift Road
West Point, NY 10996-1905

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OCT 2 0 2006
OFFICE OF PETITIONS

In re Application of :
Massie et al. :
Application No. 10/980,631 : ON PETITION
Filed: November 3, 2004 :
Title: Process For Linking Arbitrary Computer :
Models For Process Optimization :

This is in response to petition under 37 CFR 1.137(b), filed July 20, 2006, to revive the above-identified application.

On April 5, 2005, the Office mailed a Notice to File Missing Parts of Nonprovisional Application, which set a two-month extendable period for reply. In the absence of a timely filed reply, the application became abandoned on July 6, 2005. A Notice of Abandonment was mailed on January 5, 2006. On July 20, 2006, petitioner filed the present petition to revive under 37 CFR 1.137(b), signed only by joint inventor, Massie.

37 CFR 1.33(b) states in pertinent part:

> 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 registered attorney or agent not of record who acts in a representative capacity under the provisions of
> § 1.34(a);
>
> (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 Office records do not indicate that applicants, Massie, Hill, Curtiss, or Miller, filed a power of attorney in the present application or assigned their interests. Therefore, all of the applicants must sign a petition in a joint application where the applicants have not given power of attorney to a registered attorney or agent. In the present case, only Massie signed the petition. There is no indication that Hill, Curtiss, or Miller gave power of attorney to applicant, Massie, to prosecute the application on their behalf. Accordingly, the petition is not properly signed by a person having authority to prosecute the application without the signature of the other applicants.

Accordingly, the petition is dismissed. The Office will not render a decision on this matter and the application will remain abandoned, until a "renewed" petition under 37 CFR 1.137(b) is filed and signed by a person(s) having authority to prosecute the 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 fax: (571) 273-8300
ATTN: Office of Petitions

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

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

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Darrell D. Massie
Attn: MADN-CME
646 Swift Road
West Point NY 10996-1905

COPY MAILED

FEB 08 2007

OFFICE OF PETITIONS

In re Application of Massie et al. Application No. 10/980,631 Filed: November 3, 2004 Title: Process For Linking Arbitrary Computer Models For Process Optimization	: : : : : :	ON PETITION

This is in response to renewed petition under 37 CFR 1.137(b), filed January 26, 2007, to revive the above-identified application.

On April 5, 2005, the Office mailed a Notice to File Missing Parts of Nonprovisional Application, which set a two-month extendable period for reply. In the absence of a timely filed reply, the application became abandoned on July 6, 2005. A Notice of Abandonment was mailed on January 5, 2006. On July 20, 2006, petitioner filed a petition to revive under 37 CFR 1.137(b), signed only by joint inventor, Darrell D. Massie. The petition was dismissed by the decision of October 20, 2006.

With the present petition, petitioner submitted a Power of Attorney and Correspondence Address, executed by all of the inventors, in which they appointed joint inventor, Darrell D. Massie, to prosecute this application on their behalves. As indicated in 37 CFR 1.31, an applicant may file and prosecute his own case, or he may give a power of attorney so as to be represented by one or more joint inventors. Therefore, the Office recognizes the power of attorney given to Darrell D. Massie to prosecute the application, and act as his own representative and the representative of the joint inventors, John Mitchell Hill, Peter Scott Curtiss, and Michael Alan Miller, before the Office.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Petitioner submitted the required reply, paid the petition fee, and made the proper statement of unintentional delay. Accordingly, the petition is **granted.**

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

Telephone inquiries specific to this decision may be directed to the undersigned at (571) 272-3211. All other inquiries concerning either the examination procedures or status of the application should be directed to the Office of Initial Patent Examination.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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LTC Darrell Massie
Attn: MADN-CME
646 Swift Road
West Point NY 10996-1905

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OFFICE OF PETITIONS

In re Application of	:	
Massie et al.	:	
Application No. 10/980,632	:	ON PETITION
Filed: November 3, 2004	:	
Title: PROCESS FOR INTEGRATING	:	
AND APPLYING QUALITY CONTROL ON	:	
IRREGULAR TIME-SERIES DATA	:	

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

The petition is dismissed.

The petition under 37 CFR 1.137(a) will not be treated on its merits, but rather will remain in the file until the United States Patent and Trademark Office (Office) receives a renewed petition under 37 CFR 1.137(a), as well as the payment of the requisite petition fee of $250.00 for a small entity, the amount due on the filing of the petition.[1]

The Office notes:

> 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

[1] A review of the USPTO finance records reveals that petitioner has not paid any fees in this application to date.

> 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.**

MPEP 711.03(c)(III)(B) (emphasis added).

Accordingly, the Office lacks the discretion to, and will not, address the merits of any petition seeking revival of an abandoned application in the absence of the payment of the petition fee required by statute. In this regard, this application is properly considered abandoned by operation of 35 USC § 133 for failure to prosecute.

A request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)." In the alternative, petitioner may file a petition under 37 CFR 1.137(b) to revive for unintentional delay.

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

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

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

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

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Attn: MADN-CME
LTC Darrell Massie
646 Swift Road
West Point, NY 10996-1905

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OCT 2 0 2006
OFFICE OF PETITIONS

In re Application of :
Massie et al. :
Application No. 10/980,632 : ON PETITION
Filed: November 3, 2004 :
Title: Process For Integrating And Applying Quality:
Control On Irregular Time-Series Data :

This is in response to petition under 37 CFR 1.137(b), filed July 20, 2006, to revive the above-identified application.

On December 14, 2004, the Office mailed a Notice to File Missing Parts of Nonprovisional Application, which set a two-month extendable period for reply. In the absence of a timely filed reply, the application became abandoned on February 15, 2005. On July 20, 2006, petitioner filed the present petition to revive under 37 CFR 1.137(b), signed only by joint inventor, Massie.

37 CFR 1.33(b) states in pertinent part:

> 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 registered attorney or agent not of record who acts in a representative capacity under the provisions of
> § 1.34(a);
>
> (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 Office records do not indicate that applicants, Massie, Hill, Curtiss, or Miller, filed a power of attorney in the present application or assigned their interests. Therefore, all of the applicants must sign a petition in a joint application where the applicants have not given power of attorney to a registered attorney or agent. In the present case, only Massie signed the petition. There is no indication that Hill, Curtiss, or Miller gave power of attorney to applicant, Massie, to prosecute the application on their behalf. Accordingly, the petition is not properly signed by a person having authority to prosecute the application without the signature of the other applicants.

Accordingly, the petition is dismissed. The Office will not render a decision on this matter and the application will remain abandoned, until a "renewed" petition under 37 CFR 1.137(b) is filed and signed by a person(s) having authority to prosecute the 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 fax: (571) 273-8300
ATTN: Office of Petitions

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

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Darrell D. Massie
Attn: MADN-CME
646 Swift Road
West Point NY 10996-1905

COPY MAILED

FEB 08 2007

OFFICE OF PETITIONS

In re Application of :
Massie et al. :
Application No. 10/980,632 :
Filed: November 3, 2004 :
Title: Process For Integrating And Applying Quality:
Control On Irregular Time-Series Data :

ON PETITION

This is in response to renewed petition under 37 CFR 1.137(b), filed January 26, 2007, to revive the above-identified application.

On December 14, 2004, the Office mailed a Notice to File Missing Parts of Nonprovisional Application, which set a two-month extendable period for reply. In the absence of a timely filed reply, the application became abandoned on February 15, 2005. On July 20, 2006, petitioner filed a petition to revive under 37 CFR 1.137(b), signed only by joint inventor, Darrell D. Massie. The petition was dismissed by the decision of October 20, 2006.

With the present petition, petitioner submitted a Power of Attorney and Correspondence Address, executed by all of the inventors, in which they appointed joint inventor, Darrell D. Massie, to prosecute this application on their behalves. As indicated in 37 CFR 1.31, an applicant may file and prosecute his own case, or he may give a power of attorney so as to be represented by one or more joint inventors. Therefore, the Office recognizes the power of attorney given to Darrell D. Massie to prosecute the application, and act as his own representative and the representative of joint inventors, John Mitchell Hill, Peter Scott Curtiss, and Michael Alan Miller, before the Office.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Petitioner submitted the required reply, paid the petition fee, and made the proper statement of unintentional delay. Accordingly, the petition is **granted.**

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

Telephone inquiries specific to this decision may be directed to the undersigned at (571) 272-3211. All other inquiries concerning either the examination procedures or status of the application should be directed to the Office of Initial Patent Examination.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

HEWLETT-PACKARD COMPANY
INTELLECTUAL PROPERTY ADMINISTRATION
P.O. BOX 272400
FORT COLLINS, CO 80527-2400

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APR 1 6 2007

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Mustafa Uysal et al :
Application No. 10/980,649 :
Filed: November 2, 2004 :
Attorney Docket No. 100202446-2 :

This is a decision on the petition filed November 20, 2006 under 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to submit the Issue fee and Publication fee in a timely manner in reply to the Notice of Allowance mailed June 27, 2006, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on September 28, 2006.

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

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

This matter is being referred to the Publishing Division for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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CANTOR COLBURN, LLP
55 GRIFFIN ROAD SOUTH
BLOOMFIELD CT 06002

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MAR 2 1 2007

OFFICE OF PETITIONS

In re Application of
Jung-Min Choi et al
Application No. 10/980,656
Filed: November 3, 2004
Attorney Docket No. 21C-0057-C

ON PETITION

This is a decision on the petition filed March 20, 2007, requesting withdrawal of the above-identified application from issue after payment of the issue fee.

The petition is **DISMISSED as moot.**

The petition was filed on March 20, 2007, which is the date that the application issued into patent no. 7,193,666. 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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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

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

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APR 15 2005

OFFICE OF PETITIONS

In re Application of
Alsobrook, Boldog, Jeffers, LaRochelle, Lepley, Lichenstein
Shimkets, Yang, Ruiz-Martinez, Chernaya, Paigaru, Prayaga ,
and Zhong
Application No.: 10/980,659
Filed: November 3, 2004
Attorney Docket No:19566-557 CIP4(CURA57C
For: **NOVEL FIBROBLAST GROWTH FACTOR AND NUCLEIC ACIDS ENCODING DAME**

: DECISION ACCORDING
: RULE 47(a) STATUS

This is in response to the petition under 37 CFR 1.47(a), filed March 14, 2005.

The petition is **GRANTED**.

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

The above-cited application was filed on November 3, 2004, without an oath or declaration. A Notice to File Missing Parts of Nonprovisional Application was mailed on December 17, 2004, requiring an executed oath or declaration and surcharge and replacement drawings. The notice allowed an extendable period for reply of two months from its mailing date. The instant petition was filed responsively on March 14, 2005, with a request for an extension of time within the first month. In the instant petition, petitioner maintains that inventor Lepley refuses to execute the declaration.

Petitioner has shown that inventor Lepley refuses to join the 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.

The replacement drawing filed March 14, 2005, is noted.

Deposit account 50-2648 will be charged $200.00 for the instant petition fee.

The "Revocation of Power of Attorney Grant of New Power of Attorney" filed March 14, 2005, is noted, but cannot be entered at this time. It is noted that the request is made by the assignee, however; the

assignee has not established its right to act in the subject application. The assignee must file a certificate under 37 CFR 3.73(b) in the application before any instruction will be accepted from the assignee. A "Statement under 37 CFR 3.73(b)" is enclosed for petitioner's convenience. A courtesy copy of this decision is being sent to the address cited on the petition, however; all future correspondence will be mailed solely to the address of record until appropriate written instructions to the contrary are received.

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

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

Kenya A. McLaughlin

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

cc:
CuraGen Corporation
555 Long Wharf Drive
New Haven, CT 06511

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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Denise Lepley
47 Briarwood Road
Hartford, CT 06107

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APR 15 2005
OFFICE OF PETITIONS

In re Application of
Alsobrook, Boldog, Jeffers, LaRochelle, Lepley, Lichenstein
Shimkets, Yang, Ruiz-Martinez, Chernaya, Paigaru, Prayaga ,
and Zhong
Application No.: 10/980,659
Filed: November 3, 2004
Attorney Docket No:19566-557 CIP4(CURA57C
For: **NOVEL FIBROBLAST GROWTH FACTOR AND NUCLEIC ACIDS ENCODING DAME**

: LETTER

Dear Ms. Lepley:

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

Telephone inquiries regarding this communication should be directed to Petitions Attorney Kenya A. McLaughlin at (571) 272-3222. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Kenya A. McLaughlin

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

CuraGen Corporation
555 Long Wharf Drive
New haven, CT 06511

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United States Patent and Trademark Office
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WERNER & AXENFELD, LLP
P. O. BOX 1629
WEST CHESTER PA 19380

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MAR 12 2008

OFFICE OF PETITIONS

In re Application of

HEYSE, Neil W. et al.
Application No. 10/980,688
Filed: November 03, 2004
Attorney Docket No. **GD-0001.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 December 14, 2007.

The request is **APPROVED**.

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

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

All future correspondence will be directed to the first named inventor Neil Heyse at the address indicated below.

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

Tredelle D. Jackson
Petitions Examiner
Office of Petitions

cc: **NEIL W. HEYSE**
MYGUIDEWIRE, INC.
175 STAFFORD AVE.
SUITE ONE, PMB107
WAYNE, PA 19087

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

FISH & RICHARDSON PC
225 FRANKLIN ST
BOSTON MA 02110

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MAY 2 6 2005

OFFICE OF PETITIONS

In re Application of
Hill
Application No. 10/980,706
Filed: November 3, 2004
For: COMPENSATION FOR ERRORS IN OFF-AXIS INTERFEROMETRIC MEASUREMENTS
Attorney Docket No. 09712-331002 / Z-430

: Decision on Petition

The above-identified application has been forwarded to this office for consideration of the paper styled "Request to Rescind Request For Early Publication Request" received on March 18, 2005, which is being treated as a petition under 37 CFR 1.182 for Questions Not Specifically Provided For.

The petition is granted.

Applicant requested early publication on November 3, 2004. The application was being scheduled for early publication. The application has been rescheduled for publication on July 28, 2005.

The petition fee of $400.00 under 37 CFR 1.17(f) has been charged to petitioners' Deposit Account No. 06-1050. The publication fee will not be refunded, as the fee was properly paid by applicant. See 37 CFR 1.26(a). Applicant requested early publication and he was properly charged the publication fee.

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

Mark O. Polutta for KF

Karin Ferriter
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

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Paper No.

Debra M. Parrish
Parrish Law Offices
Suite 200
615 Washington Road
Pittsburgh PA 15228

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FEB 15 2008

OFFICE OF PETITIONS

In re Application of	:	
Junhai Liu	:	DECISION ON PETITION
Application No. 10/980,708	:	
Filed: November 3, 2004	:	
Atty Docket No. NANO-13	:	

This is a decision on the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINENTIONALLY UNDER 37 CFR 1.137(b) filed September 13, 2007.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to file a reply to the restriction requirement mailed April 28, 2006. The restriction requirement set a one month period for reply, with extensions of time obtainable under 37 CFR 1.136(a). A response and extension of time was filed on December 5, 2006. However, this response was not timely as it was filed beyond the maximum extendable period for reply (which ended October 28, 2006). No timely reply or extension of time filed, the application became abandoned effective May 29, 2006. A courtesy Notice of Abandonment was mailed on February 5, 2007.

It is noted that in the late response filed December 5, 2006, applicant indicated a misunderstanding that the abandonment of the application would be avoided with the filing of the response and extension of time on that date.

The petition includes the required reply in the form of an election and payment of the petition fee. In addition, the petition includes a statement by registered practitioner Parrish that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional." The Office is relying on this statement in concluding that the delay in filing a reply and the delay in filing a petition was unintentional. No terminal disclaimer is required.

Technology Center AU 1742 has been advised of this decision. The application is, thereby, forwarded to the examiner for consideration of the reply submitted on petition filed September 13, 2007.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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6391 SPRINT PARKWAY
KSOPHT0101-Z2100
OVERLAND PARK, KS 66251-2100

Mail Date: 04/21/2010

Applicant	: Jason R. Delker	: DECISION ON REQUEST FOR
Patent Number	: 7593365	: RECALCULATION of PATENT
Issue Date	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/980,711	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/03/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1358** 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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OVERLAND PARK, KS 66251-2100

Mail Date: 04/21/2010

Applicant	: Jason R. Delker	: DECISION ON REQUEST FOR
Patent Number	: 7593365	: RECALCULATION of PATENT
Issue Date	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/980,711	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/03/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1358** 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

Mail Date: 04/20/2010

Applicant	: Mark Watson	: DECISION ON REQUEST FOR
Patent Number	: 7599326	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/980,721	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/03/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1341** 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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VOLPE AND KOENIG, P.C.
DEPT. ICC
UNITED PLAZA, SUITE 1600
30 SOUTH 17TH STREET
PHILADELPHIA, PA 19103

Mail Date: 04/21/2010

Applicant	: Marian Rudolf	: DECISION ON REQUEST FOR
Patent Number	: 7599339	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/980,723	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/03/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1352** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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BAKER & DANIELS LLP
300 NORTH MERIDIAN STREET
SUITE 2700
INDIANAPOLIS IN 46204

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JUN 0 3 2005

OFFICE OF PETITIONS

In re Application of
David T. Christman et al.
Application No. 10/980,751
Filed: November 3, 2004
Attorney Docket No. TWG-P004-US

: DECISION ACCORDING STATUS
: UNDER 37 CFR 1.47(a)

This is in response to the petition filed April 12, 2005 under 37 CFR 1.47(a).

The petition is **GRANTED**.

The above-identified application was filed on November 3, 2004, naming David T. Christman, James W. Wallace, Melanie S. Otto and Kathy R. Yeary as joint inventors but without a signed declaration. Accordingly, on December 10, 2004, a "Notice To File Missing Parts of Application" was mailed, requiring *inter alia* a properly executed oath or declaration.

In response, an oath or declaration executed by all inventors except joint inventor Christman, a petition under 37 CFR 1.47(a) and a request for a two month extension of time was filed. The petition argues that joint inventor Christman refuses to sign the oath or declaration and thus by his actions, to cooperate with the filing of the instant application.

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

The petition bears proof that the application papers were sent to Mr. Christman and that he has verbally refused, in a telephone conversation with the Attorney of Record, to execute the oath or declaration and thus, to cooperate with the filing of the instant application. The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). In view thereof, this application is hereby accorded Rule 1.47(a) status.

Thus, as provided in Rule 1.47c, this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

As well, please be advised that effective November 22, 2004, the petition fee has been increased to $200.00. 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. However, while the petition indicated that a check in the amount of $130.00 for the petition fee accompanied the petition, no such check was found to be attached. As a result, deposit account no. 02-0390 has been charged in the amount of $200.00, pursuant to 37 CFR 1.17(g).

This matter is being referred to Technology Center 3626 for examination in due course.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

DAVID T. CHRISTMAN
5834 N. BROADWAY
INDIANAPOLIS, IN 46220

In re Application of
David T. Christman et al.
Application No. 10/980,751
Filed: November 3, 2004
For: OBJECT ORIENTED DEMOGRAPHICALLY PREDICTIVE INSURANCE AGENCY ASSET EVALUATION SYSTEM AND METHOD

Dear Mr. Christman:

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

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

Telephone inquiries regarding this communication should be directed to the undersigned Petitions Attorney at (571) 272-3212. Requests for information regarding your application should be directed to the File Information Unit at 703/308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at 703/308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

cc:
BAKER & DANIELS LLP
300 NORTH MERIDIAN STREET
SUITE 2700
INDIANAPOLIS IN 46204

UNITED STATES PATENT AND TRADEMARK OFFICE

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SUITE 1600
NEW YORK, NY 10110

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OFFICE OF PETITIONS

In re Application of :
Allan Svendsen et al :
Application No. 10/980,759 : ON PETITION
Filed: November 3, 2004 :
Attorney Docket No. 4796.244-US

This is a decision on the petition, filed May 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 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 Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 1652 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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JUN 09 2009

OFFICE OF PETITIONS

In re Application of
Svendsen et al.
Application No. 10/980,759
Filed: November 3, 2004
Attorney Docket No. 4796-244-US

DECISION ON PETITION

This is a decision on the petition, filed January 5, 2009, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

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

Any request for reconsideration of this decision should be filed within two (2) months from the mail date of this decision. *Note* 37 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 pay the issue fee on or before October 9, 2008, as required by the Notice of Allowance and Fee(s) Due (Notice), mailed July 9, 2008. A Notice of Abandonment was mailed on November 5, 2008.

Petitioner contends that the Notice of Abandonment mailed on November 5, 2008 was mailed in error because the issue fee was paid twice and a general authorization was submitted for the payment of the publication fee. In support of petitioner's argument, petitioner has provided a copy of the auto-reply facsimile transmission dated April 24, 2007, a electronic acknowledgement receipt dated September 4, 2007 and a copy of the issue fee payment form dated September 24, 2007.

Petitioner's argument has been considered but deemed unpersuasive. Petitioner has provided evidence to establish that a response was submitted to the Notice of Allowance mailed on January 24, 2007. However, petitioner has failed to provide evidence that a reply was ever submitted to the Notice of Allowance mailed on July 9, 2008. The Notice of Allowance and Fees Due, requires that even if the fees were previously paid, the return of Part B of the Issue fee Transmittal form will be treated as a request to reapply the previously paid issue fee. Petitioner failed to reply to the July 9, 2008 Notice of Allowance, which resulted in the abandonment of the application.

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(b) 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 $1620.00 petition fee.

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

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

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

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

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

Charlema Grant
Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

In re Application of :
Svendsen et al. :
Application No. 10/980,759 : DECISION ON PETITION
Filed: November 3, 2004 :
Attorney Docket No. 4796.244-US :

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

The petition is **GRANTED**.

This application was held abandoned for failure to timely pay the issue fee on or before October 9, 2008, as required by the Notice of Allowance and Fee(s) Due (Notice), mailed July 9, 2008. A Notice of Abandonment was mailed on November 5, 2008. A petition filed under 37 CFR 1.181 was dismissed on June 8, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of request to reapply the payment of the issue fee of $1510, (2) the petition fee of $1620; and (3) a proper statement of unintentional delay.

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

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

Charlema Grant
Petitions Attorney
Office of Petitions

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SUITE 1600
NEW YORK, NY 10110

Mail Date: 04/20/2010

Applicant	: Allan Svendsen	: DECISION ON REQUEST FOR
Patent Number	: 7625737	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/980,759	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/03/2004	: 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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TECHNOLOGY CENTER 2600

LEE & HAYES PLLC
421 W RIVERSIDE AVENUE SUITE 500
SPOKANE WA 99201

In re Application of
MARSCHNER, STEPHEN, et al
Serial No.: **10/980,760**
Filed: November 2, 2004
For: **METHODS AND SYSTEMS FOR ANIMATING: FACIAL FEATURES, AND METHODS AND SYSTEMS FOR EXPRESSION TRANSFORMATION**

DECISION ON PETITION
ACCEPTANCE OF COLOR DRAWINGS

This is a decision on the petition under 37 C.F.R. § 1.84(a)(2), filed November 2, 2004, requesting acceptance of color drawings.

The petition requests that the color drawings, although not specifically identified, are noted as figures 7-9, 12-15, 16-1st row, 16-2nd row, and 16-3rd row, be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. §1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), 3 (three) set of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

"The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The specification refers to "figure 16". However, the drawings depict figures 16-1st row, 16-2nd row, and 16-3rd row, on three different sheets. Therefore, there are three different figures as opposed to just "figure 16". The specification and the drawings would be objected to by the examiner, and thus, applicants would be required to re-file new color drawings to correct the examiner's objections, e.g., combining the color drawings from all three sheets onto one sheet and labeling all three figures as figure 16, or separately label the drawings as figures 16a, 16b and 16c and amend the specification.

Given that applicants will be required to at least amend the drawings, the petition is **DENIED**.

Dwayne Bost
Special Program Examiner
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

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Jenell Lawson
Intellectual Property
CuraGen Corporation
555 Long Wharf Drive
New Haven CT 06551

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MAY 3 1 2005

OFFICE OF PETITIONS

In re Application of	:
Alvarez, et al.	: DECISION REFUSING
Application No. 10/980,764	: STATUS UNDER
Filed: November 3, 2004	: 37 CFR 1.47(a)
Attorney Docket No. 15966-557 IBD CIP	:
For: METHODS OF PREVENTING AND TREATING INFLAMMATORY BOWEL DISEASE	:

This decision is in response to the petition under 37 CFR 1.47(a), filed March 7, 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 November 3, 2004 without an executed oath or declaration. Accordingly, on January 6, 2005, a "Notice to File Missing Parts of Nonprovisional Application" was mailed, requiring an executed oath or declaration and a surcharge for its late filing.

In response, on March 7, 2005, the surcharge, a declaration executed by 4 of 5 joint inventors and a registered practitioner and the instant petition, *inter alia*, were filed. Nicole Carlucci, U.S. Legal Specialist in the Intellectual Property Office of CuraGen Corp. provided a declaration of facts in support of the instant rule 47(a) petition. Ms. Carlucci states that she sent a copy of application no. 10/454,264, a declaration, and assignment to non-signing inventor Jeffrey Peterson. It is noted that the application at issue is 10/980,764. However, the letter dated January 18, 2005 to Mr. Peterson does reference Docket No. Cura-57 IBD CIP3, which is the attorney docket number associated with application no. 10/980,764. The January 18, 2005 mailing was

returned to sender.

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;
(2) an acceptable oath or declaration;
(3) the petition fee of $200;
(4) a statement of the last known address of the non-signing inventor;

Applicants lack items (1) and (2) set forth above.

As to item (1), applicants have not established that Mr. Peterson cannot be reached. One returned mailing does not rise to the required showing of diligence. Where inability to find or reach a nonsigning inventor is alleged, an affidavit or declaration of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made to locate the nonsigning inventor.

The affidavit or declaration of facts must be signed, where at all possible, by a person having *firsthand knowledge* of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as certified mail return receipt, any inquiries of local telephone directory, or any extant national or regional registry, telegrams, searches of Internet databases, and documented inquiries of his last known employer etc., that support a finding that the nonsigning inventor could not be found or reached should be made part of the affidavit or declaration. It is important that the affidavit or declaration contain statements of fact as opposed to conclusions.

With respect to item (2), an oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 still has not been presented. An attorney may not sign for the non-signing inventor when there are some signing inventors. **The signing inventors** must make the declaration on their own behalf and on the behalf of the non-signing inventor. A declaration signed by all of the available joint inventors with the signature block of the non-signing inventor left blank should be submitted.

Regarding finances, deposit account no. 50-0311 will be charged the $200.00 Rule 47 petition fee.

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

By FAX: (703) 872-9306 – 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

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Jenell Lawson
Intellectual Property
CuraGen Corporation
555 Long Wharf Drive
New Haven CT 06551

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OFFICE OF PETITIONS

In re Application of	:
Alvarez, et al.	: DECISION REFUSING
Application No. 10/980,764	: STATUS UNDER
Filed: November 3, 2004	: 37 CFR 1.47(a)
Attorney Docket No. 15966-557 IBD CIP	:
For: METHODS OF PREVENTING AND TREATING INFLAMMATORY BOWEL DISEASE	:

This decision is in response to the reconsideration petition under 37 CFR 1.47(a), filed July 13, 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 November 3, 2004 without an executed oath or declaration. Accordingly, on January 6, 2005, a "Notice to File Missing Parts of Nonprovisional Application" was mailed, requiring an executed oath or declaration and a surcharge for its late filing.

In response, on March 7, 2005, the surcharge, a declaration executed by 4 of 5 joint inventors and a registered practitioner and a Rule 47(a) petition, *inter alia*, were filed. Nicole Carlucci, U.S. Legal Specialist in the Intellectual Property Office of CuraGen Corp. provided a declaration of facts in support of the Rule 47(a) petition. Ms. Carlucci states that she sent a copy of application no. 10/454,264, a declaration, and assignment to non-signing inventor Jeffrey Peterson. It is noted that the application at issue is 10/980,764. However, the letter dated January 18, 2005 to Mr. Peterson does reference Docket No. Cura-57 IBD CIP3, which is the attorney docket number

associated with application no. 10/980,764. The January 18, 2005 mailing was returned to sender.

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;
(2) an acceptable oath or declaration;
(3) the petition fee of $200;
(4) a statement of the last known address of the non-signing inventor;

The previous petition was dismissed on May 31, 2005 because it lacked items (1) and (2) set forth above.

The reconsideration petition still lacks (1) and (2) set forth above.

As to item (1), applicants have not established that Mr. Peterson cannot be reached. Where inability to find or reach a nonsigning inventor is alleged, an affidavit or declaration of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made to locate the nonsigning inventor.

It is noted Ms. Carlucci's January 18, 2005 mailing was addressed to Mr. Peterson's last known address and was forwarded to a West Borough, MA address for Mr. Peterson. Jenell Lawson has provided a statement with the current reconsideration. She asserts that packages containing the application papers and a declaration/power of attorney were mailed to Mr. Peterson at his last known address and the address to which Ms. Carlucci's January 18, 2005 mailing was forwarded. Sending repeated mailings to locations where Mr. Peterson does not reside, does not show diligence in attempting to reach him.

Petitioners must engage in further efforts to locate Mr. Peterson. The following is a list of evidentiary sources that are commonly relied upon to prove inability to locate an inventor: searches of Internet databases; inquiries of local telephone directories; telegrams; and documented inquiries of last known employers. Every listed type of search need not be done. However, a diligent effort to find the inventor must be made.

Documentary evidence that supports a finding that the non-signing inventor can not be found or reached should be made part of any affidavits or declarations that fully describe the exact facts which are relied on to establish that a diligent effort was made to locate the non-signing inventor. Printed computer records would suffice of Internet searches.

With respect to item (2), an oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 still has not been presented. Someone with a registration number signed the March 7, 2005 declaration in Mr. Peterson's signature block. An attorney/agent may not sign for the non-signing inventor when some joint inventors sign the declaration. **The signing inventors** must make the declaration on their own behalf and on the behalf of the non-signing inventor. A declaration signed by all of the available joint inventors with the signature block of the non-signing inventor left blank should 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: 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
Senior Petitions Attorney
Office of Petitions

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United States Patent and Trademark Office
P.O. Box 1450
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MINTZ, LEVIN, COHN, FERRIS, GLOVSKY & POPEO, P.C.
ONE FINANCIAL CENTER
BOSTON MA 02111

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In re Application of	:
Alvarez, et al.	: DECISION ACCORDING
Application No. 10/980,764	: STATUS UNDER
Filed: November 3, 2004	: 37 CFR 1.47(a)
Attorney Docket No. 15966-557 IBD CIP	:
For: METHODS OF PREVENTING AND TREATING INFLAMMATORY BOWEL DISEASE	:

This decision is in response to the reconsideration petition under 37 CFR 1.47(a), filed February 21, 2006.

The petition is granted.

Petitioners have shown that the non-signing inventor, Jeffrey Peterson, cannot be located. Specifically, the declaration/statement of facts of Jenell Marie Lawson establishes that despite attempts to locate the inventor through the mail, through inquiries of his former employer, through Internet searches and follow-up telephone calls to individuals with the last name of Peterson, that Mr. Peterson cannot be located. Petitioners have dilgently searched for Mr. Peterson. Petitioners have submitted a declaration in compliance with 37 CFR 1.63 and 1.64.

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

Regarding fees, petitioners were charged two Rule 47 petition fees. Only one is required. One $200.00 petition fee will be refunded to deposit account 50-0311.

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

After this decision is mailed, the above-identified application will be forwarded to Technology Center AU 1647 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

JEFFREY PETERSON
74 HORSESHOE ROAD
GUILFORD, CT 06437

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APR 0 3 2006
OFFICE OF PETITIONS

In re Application of	:	
Alvarez, et al.	:	LETTER
Application No. 10/980,764	:	
Filed: November 3, 2004	:	
Attorney Docket No. 15966-557 IBD CIP	:	
For: METHODS OF PREVENTING AND TREATING INFLAMMATORY BOWEL DISEASE	:	

Dear Mr. Peterson:

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

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

HONEYWELL INTERNATIONAL INC.
PATENT SERVICES
101 COLUMBIA ROAD
P O BOX 2245
MORRISTOWN, NJ 07962-2245

Mail Date: 04/21/2010

Applicant	: James P. Richardson	: DECISION ON REQUEST FOR
Patent Number	: 7596585	: RECALCULATION of PATENT
Issue Date	: 09/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/980,778	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/03/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **868** 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

BARDMESSER LAW GROUP, P.C.
910 17TH STREET, N.W.
SUITE 800
WASHINGTON, DC 20006

COPY MAILED

MAY 22 2007

OFFICE OF PETITIONS

In re Application of Dmitri V. Simonenko, et. al. Application No. 10/980,791 Filed: November 4, 2004 Attorney Docket No. 2310.0020002/MBR/GSB	DECISION ON PETITIONS UNDER 37 CFR 1.78(a)(3) AND 37 CFR 1.55(c)

This is a decision on the petitions under 37 CFR 1.78(a)(3) and 37 CFR 1.55(c), filed November 6, 2006, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to prior-filed nonprovisional applications, and under 35 U.S.C. § 119(a)-(d) for the benefit of priority to a prior-filed foreign application, as set forth in the concurrently filed amendment.

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

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

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

All requirements being met, the petition to accept an unintentionally delayed claim for benefit of priority to the prior-filed nonprovisional applications under 35 U.S.C. § 120 is **GRANTED.**

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled

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

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.

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

The petition fails to comply with item (2) above. In this regard, a review of the file record fails to disclose that the priority information was included in an oath or declaration or in an Application Data Sheet (ADS) in accordance with 37 CFR 1.76(b)(6). Unless provided in an ADS, 37 CFR 1.63(c)(2) requires that the oath or declaration must identify the foreign application for patent (or inventor's certificate) for which priority is claimed under 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application number, country, day, month, and year of its filing. *Note* MPEP 201.14.

In view of the above, compliance with 37 CFR 1.63(c)(2) or 37 CFR 1.76(b)(6) must be satisfied if applicant desires to claim priority to the foreign application noted in the petition. Any future petition should include a cover letter and be entitled "Renewed Petition under 37 CFR 1.55(c)."

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

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

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

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

Any questions concerning this matter may be directed to Andrea Smith at (571) 272-3226.

Frances Hicks
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	TOT CLMS	IND CLMS
10/980,791	11/04/2004	2856	842	2310.0020002/MBR/GSB	38	8

CONFIRMATION NO. 6555

CORRECTED FILING RECEIPT

OC000000023934760

54089
BARDMESSER LAW GROUP, P.C.
910 17TH STREET, N.W.
SUITE 800
WASHINGTON, DC 20006

Date Mailed: 05/17/2007

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)

Dmitri V. Simonenko, Potomac Falls, VA;
Anton E. Suprun, Dulles, VA;
Yuri I. Romanov, Dulles, VA;

Assignment For Published Patent Application

Innalabs Technologies, Inc., Dulles, VA

Power of Attorney: The patent practitioners associated with Customer Number **54089**.

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/616,849 10/08/2004
and claims benefit of 60/614,415 09/30/2004
and claims benefit of 60/613,723 09/29/2004
and claims benefit of 60/612,227 09/23/2004
and is a CIP of 10/836,186 05/03/2004 PAT 6,985,134
which is a CON of 10/209,197 08/01/2002 PAT 6,731,268
which is a CON of 09/511,831 02/24/2000 PAT 6,466,200

Foreign Applications

If Required, Foreign Filing License Granted: 01/14/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/980,791

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Magnetofluidic accelerometer with active suspension

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

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
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Alexandria, VA 22313-1450
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MORRISON & FOERSTER LLP
1650 TYSONS BOULEVARD
SUITE 400
MCLEAN, VA 22102

COPY MAILED

APR 30 2009

OFFICE OF PETITIONS

In re Application of	:	
Alireza Afrashteh, et al.	:	
Application No. 10/980,816	:	DECISION ON PETITION
Filed: November 4, 2004	:	TO WITHDRAW
Attorney Docket No. 360302000800	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 27, 2009.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Morrison & Foerster, LLP has been revoked by the assignee of the patent application on June 16, 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 undersigned at 571-272- 1642. All other inquiries concern the examination or status of this application should be directed to the Technology Center

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

cc: STEVEN J. FUNK
SPRINT NEXTEL LEGAL DEPARTMENT
SPRINT NEXTEL LEGAL DEPARTMENT 3A371
6450 SPRINT PARKWAY
OVERLAND PARK, KX 66251

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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ALEXANDRIA, VA 22313-1450
www.uspto.gov

ARENT FOX, LLP
1050 CONNECTICUT AVENUE, NOW
SUITE 400
WASHINGTON, DC 20036-5339

MAILED
JUL 23 2010
OFFICE OF PETITIONS

In re Application of	:	
Kidane et al.	:	DECISION ON APPLICATION
Application No. 10/980,818	:	for
Filed: November 4, 2004	:	PATENT TERM ADJUSTMENT
Atty Docket No. 029363.00009	:	

This is a decision on the "APPLICATION TO CORRECT PATENT TERM ADJUSTMENT UNDER TO 37 C.F.R. § 1.705(d)" filed September 15, 2008. Applicant requests that the determination of patent term adjustment under 35 U.S.C. 154(b) be corrected from one eighty-nine (89) days to one hundred twenty five (125) days.

Applicants request for correction of the patent term adjustment is **DISMISSED**.

On July 23, 2008, the Office mailed the issue Determination of Patent Term adjustment under 35 U.S.C. 154(b) in the above-identified application, i.e. issue notification letter. The Notice stated that the patent term adjustment (PTA) to date is 89 days. On September 15, 2008, applicant timely submitted the instant application for patent term adjustment[1]. Applicant maintains that the period of reduction of 36 days entered pursuant to 37 CFR 1.704(d), for the filing of an Information Disclosure Statement (IDS) on February 21, 2008 was entered in error. Applicant contends that the IDS, received from a foreign counterpart, was filed within three months after an office action was issued, on December 13, 2007. That the certification was not filed pursuant to § 1.704(d), 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). Applicant further argues that since it was all occurring within three months, then applicant should not have received any reduction.

1. Patent issued on August 12, 2008.

Applicant states 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 January 18, 2008, on February 21, 2008, applicant filed an IDS.

A review of the IDS filed February 21, 2008, reveals that it did not include the proper § 1.704(d) statement. The required statement states, in pertinent part, that:

> A paper containing only an information disclosure statement in compliance with §§ 1.97 and 1.98 will not be considered a failure to engage in reasonable efforts to conclude prosecution (processing or examination) of the application under paragraphs (c)(6), (c)(8), (c)(9), or (c)(10) of this section if it is accompanied by a statement 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. This thirty-day period is not extendable.

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 ...this communication was not received by any individual… more than thirty days prior to the filing of the information disclosure statement" for the exception to apply. See 69 FR 21704, Apr. 22, 2004.

The statement in the IDS filed February 21, 2008 does not contain the language required by 37 CFR 1.704(d). Accordingly, it is concluded that a period of reduction of 36 days pursuant to § 1.704(c)(8) was properly entered for the filing of the IDS on February 21, 2008.

In view thereof, the determination of patent term adjustment at the time of issue is 89 days.

Receipt of the $200.00 fee set forth in 37 CFR 1.18(e) is acknowledged. No additional fees are required.

Applicants are advised that nothing in this decision impacts the time provided by statute to commence a civil action under 35 USC 154.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-7707.

/Kery A. Fries/

Kery Fries
Senior Legal Advisor
Office of Patent Legal Examination
Office of Associate Commissioner
For Patent Examination Policy

Petition Granted,
IDS considered.
See 3/14/06 paper.
ATL

4/21/06
RICHARD ELMS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800

IFW

OIPE IAP68
FEB 08 2006
PATENT & TRADEMARK OFFICE

OBLON
SPIVAK
McCLELLAND
MAIER
&
NEUSTADT
P.C.

ATTORNEYS AT LAW

ECKHARD H. KUESTERS
(703) 413-3000
EKUESTERS@OBLON.COM

EDWARD TRACY
(703) 413-2779
ETRACY@OBLON.COM

Docket No.: 258541US2S DIV
DATE ALLOWED: NOVEMBER 29, 2005

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 10/980,847
Applicants: Yoshihisa IWATA
Filing Date: November 4, 2004
For: MAGNETIC RANDOM ACCESS MEMORY
Group Art Unit: 2824
Examiner: Hur, J.

SIR:

Attached hereto for filing are the following papers:

PETITION UNDER 37 C.F.R. § 1.181
IDS TRANSMITTAL, PTO-1449 (COPY)
DATE-STAMPED FILING RECEIPT DATED FEB. 1, 2006 FOR IDS (COPY)

Our check in the amount of **0.00** is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Edward Tracy

Eckhard H. Kuesters
Registration No. 28,870

Edward Tracy
Registration No. 47,998

Customer Number
22850
(703) 413-3000 (phone)
(703) 413-2220 (fax)

OIPE IAP40
FEB 2 8 2006
PATENT & TRADEMARK OFFICE

Petition Granted,
IDS considered.
See 3/14/06 paper.
4/21/06
RICHARD ELMS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800

OBLON
SPIVAK
McCLELLAND
MAIER
&
NEUSTADT
P.C.

ATTORNEYS AT LAW

ECKHARD H. KUESTERS
(703) 413-3000
EKUESTERS@OBLON.COM

EDWARD TRACY
(703) 413-2779
ETRACY@OBLON.COM

Docket No.: 258541US2S DIV
DATE ALLOWED: NOVEMBER 29, 2005

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 10/980,847
Applicants: Yoshihisa IWATA
Filing Date: November 4, 2004
For: MAGNETIC RANDOM ACCESS MEMORY
Group Art Unit: 2824
Examiner: Hur, J.

SIR:

Attached hereto for filing are the following papers:

PETITION UNDER 37 C.F.R. § 1.181
IDS TRANSMITTAL, PTO-1449 (COPY)
DATE-STAMPED FILING RECEIPT DATED FEB. 1, 2006 FOR IDS (COPY)

Our check in the amount of **0.00** is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Raymond F. Cardillo Jr.

Eckhard H. Kuesters
Registration No. 28,870
Raymond F. Cardillo, Jr.
Registration No. 40,440

Edward Tracy
Registration No. 47,998

Customer Number
22850
(703) 413-3000 (phone)
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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

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

COPY MAILED

DEC 18 2007

OFFICE OF PETITIONS

In re Application of :
Matsunaga et al. :
Application No. 10/980,851 : ON PETITION
Filed: November 14, 2004 :
Title: Silver Halide Color Photosensitive :
Material

This is a decision on the petition under 37 CFR 1.181 to withdraw the holding of abandonment, filed November 1, 2007.

The petition to withdraw the holding of abandonment is **Dismissed**.

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.

This above-identified application was held abandoned for failure to timely file a response to a final Office Action which was mailed on March 13, 2006. The final Office Action set a three (3) month shortened statutory period for reply. No extensions of time were obtained under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on June 14, 2006. A Notice of Abandonment was mailed on September 29, 2006.

Petitioner asserts that a reply to the final Office Action was timely submitted on September 13, 2006. As evidence, petitioner has submitted a copy of Electronic Acknowledgment Receipt RCE, Amendment, and a three month extension of time. Further review of the record shows that the reply submitted on September 13, 2006 has been located.

Although the evidence presented demonstrates a reply was timely submitted, the submission of the petition to withdraw the holding of abandonment is untimely. 37 CFR 1.181(f) provides that, inter alia, except as otherwise provided, any petition not filed

within 2 months from the action complained of may be dismissed as untimely. This petition was filed over one year after the mailing of the Notice of Abandonment.

On renewed petition, petitioner should state why after receipt of the Notice of Abandonment on or after September 29, 2006, petitioner failed to file a petition promptly.

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 should be directed to the undersigned at (571) 272-3215.

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

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SEP 30 2008
OFFICE OF PETITIONS

In re Application of
Matsunaga
Application No. 10/980,851
Filed: November 4, 2004
Attorney Docket No. Q8346

DECISION ON PETITION

This is a decision on the renewed petition, filed January 16, 2008, which is being treated as a petition under 37 CFR 1.181, 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 March 13, 2006, which set a three (3) month shortened statutory period for reply. Accordingly, a reply was due on or before June 13, 2006.

Petitioner states that a timely reply was submitted on September 13, 2006. In support of petitioner's contention, petitioner has provided a copy of the reply in the form of an amendment and a copy of the Electronic Acknowledgement Receipt.

Failure to receive correspondence which includes a certificate of mailing or certificate of facsimile transmission is addressed in 37 CFR 1.8(b), reproduced below:

> In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the U.S. Patent and Trademark Office after a reasonable amount of time has elapsed from the time of mailing or transmitting of the correspondence, or after the application is held to be abandoned, or after the proceeding is dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:
>
> (1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;

(2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and

(3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

The petition 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 March 13, 2006 is hereby withdrawn and the application restored to pending status.

A review of the record shows that a reply to the March 13, 2006 Office action in the form of an RCE, amendment and request for three month extension of time have been located.

In light of receipt of the timely reply, the holding of abandonment for failure to timely file a reply to the Office action of March 13, 2006 is hereby withdrawn and the application restored to pending status.

This application is being referred to Technology Center AU 1752 for appropriate action in the normal course of business on the reply received with petition.

Charlema Grant

Charlema Grant
Petitions Attorney
Office of Petitions

IFW

Please type a plus sign (+) inside this box → [+]

PTO/SB/21 (6-99)
Approved for use through 09/30/2000. OMB 0651-0031
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.

OIPE JC48
MAY 0 6 2005
PATENT & TRADEMARK OFFICE

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	10/980,866
Filing Date	November 2, 2004
First Named Inventor	Paul Glidden
Group/Art Unit	1653
Examiner Name	Unassigned
Total Number of Pages in This Submission: 2	Attorney Docket Number: 29560-710.501

ENCLOSURES *(check all that apply)*

- [ ] Fee Transmittal
  - [ ] Fee Attached
- [ ] Amendment/Response
  - [ ] After Final
  - [ ] Affidavits/declaration(s)
- [ ] Extension of Time Request
- [ ] Information Disclosure Statement
- [ ] Certified Copy of Priority Document(s)
- [ ] Response to Missing Parts/ Incomplete Application
  - [ ] Response to Missing Parts under 37 CFR 1.52 or 1.53
- [ ] Assignment Papers *(for an Application)*
- [ ] Drawing(s)
- [ ] Licensing-related Papers
- [ ] Petition Routing Slip (PTO/SB/69) and Accompanying Petition
- [ ] Petition to Convert to a Provisional Application
- [ ] Power of Attorney, Revocation Change of Correspondence Address
- [ ] Terminal Disclaimer
- [ ] Small Entity Statement
- [ ] Request for Refund
- [ ] After Allowance Communication to Group
- [ ] Appeal Communication to Board of Appeals and Interferences
- [ ] Appeal Communication to Group *(Appeal Notice, Brief, Reply Brief)*
- [ ] Proprietary Information
- [ ] Status Letter
- [x] Additional Enclosure(s) *(please identify below):*

Request for Withdrawal as Attorney or Agent and Change of Address Correspondence.

Remarks

The Commissioner is hereby authorized to charge and credit deposit account 23-1415 (Attorney Docket No. 29560-710.501) for any charge of credit, overpayment, or any additional fees required.

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or Individual name	Maya Skubatch, Reg. No. 52,505, WILSON SONSINI GOODRICH & ROSATI		
Signature			
Date	May 3, 2005	Customer Number:	021971

CERTIFICATE OF FIRST CLASS MAIL

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as "First Class Mail" in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 20231-1450, on the date indicated below.

Typed or printed name	Queenie B. Ngo		
Signature		Date	May 3, 2005

Burden Hour Statement: This form is estimated to take 0.2 hours 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: Commissioner for Patents, Washington, DC 20231.

Approved MCS 6/16/05 DHC

PTO/SB/83 (09-03)
Approved for use through 11/30/2005. OMB 0651-0035
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

OIPE
MAY 0 6 2005

REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS

Application Number	10/980,866
Filed	November 2, 2004
First Named Inventor	Paul Glidden
Art Unit	1653
Examiner Name	Unassigned
Attorney Docket Number	29560-710.501

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

Please withdraw me as attorney or agent for the above identified patent application, and

☐ all the attorneys/agents of record.

☐ the attorneys/agents (with registration numbers) listed on the attached paper(s), or

☒ the attorneys/agents associated with Customer Number 021971

NOTE: This box can only be checked when the power of attorney of record in the application is to all the practitioners associated with a customer number.

The reasons for this request are: Under 37 C.F.R. §10.40, GreenTech, Inc. has failed to pay one or more bills rendered by the practioner for an unreasonable period of time or has failed to honor an agreement to pay a retainer in advance of the performance of legal services.

CORRESPONDENCE ADDRESS

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

☐ Customer Number

OR

☒ Firm *or* Individual Name	Elsa Djuardi				
Address	Pfizer, Inc.				
Address	10777 Science Center Drive				
City	San Diego	State	CA	Zip	92121
Country	USA				
Telephone	(858) 638-6117	Fax	(858) 678-8233		
Name	Maya Skubatch				
Signature		Registration No.	52,505		
Date	May 3, 2005	Telephone No.	(650) 493-930		

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

This collection of information is required by 37 CFR 1.36. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450**

American LegalNet, Inc.
www.USCourtForms.com

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

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SHUMAKER & SIEFFERT, P. A.
8425 SEASONS PARKWAY, SUITE 105
ST. PAUL MN 55125

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JAN 0 5 2007

OFFICE OF PETITIONS

In re Application of	:	
BANKS, et al.	:	
Application No. 10/980,875	:	DECISION ON PETITION
Filed: November 3, 2004	:	TO WITHDRAW
Attorney Docket No. 1051-001US01	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 3, 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, "application is being transferred to another law firm", 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). The power of attorney filed on November 6, 2006 included an improper statement under 37 CFR 3.73(b) and is therefore not accepted.

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: **INGRASSIE FISHER & LORENZ**
12520 HIGH BLUFF DRIVE, SUITE 260
SAN DIEGO, CA 92130

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/980,875	11/03/2004	Justin Banks	1051-001US01

CONFIRMATION NO. 4221

OC000000021852341

28863
SHUMAKER & SIEFFERT, P. A.
8425 SEASONS PARKWAY
SUITE 105
ST. PAUL, MN 55125

Date Mailed: 01/05/2007

NOTICE REGARDING POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/06/2006 . The Power of Attorney in this application is not accepted for the reason(s) listed below:

- The Power of Attorney is from an assignee and the Certificate required by 37 CFR 3.73(b) has not been received.

MONICA A GRAVES
OP (571) 272-7253

FORMER ATTORNEY/AGENT COPY

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

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OCT 17 2005

OFFICE OF PETITIONS

In re Application of	:	
Warren et al.	:	
Application No. 10/980,886	:	DECISION GRANTING
Filed: November 3, 2004	:	STATUS UNDER
Title of Invention:	:	37 CFR 1.47
MULTIAXIS FOCUSING MECHANISM FOR	:	
MICROARRAY ANALYSIS	:	

This decision is in response to the Petition Under 37 CFR 1.47(a), filed September 23, 2005, to allow the other inventor(s) to proceed with the application on behalf of himself or herself and the nonsigning inventor(s).

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, Scott R. Warren, refuses to join in the application.

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

The application file is being returned to 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
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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SCOTT R. WARREN
415 GRENACHE CIRCLE
CLAYTON, CA 94517

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OCT 17 2005

OFFICE OF PETITIONS

In re Application of	:	
Warren et al.	:	
Application No. 10/980,886	:	LETTER
Filed: November 3, 2004	:	
Title of Invention:	:	
MULTIAXIS FOCUSING MECHANISM FOR	:	
MICROARRAY ANALYSIS	:	

Dear Mr. Warren:

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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WELLS ST. JOHN P.S.
601 W. FIRST AVENUE, SUITE 1300
SPOKANE, WA 99201

Mail Date: 04/22/2010

Applicant	: Todd A. Werpy	: DECISION ON REQUEST FOR
Patent Number	: 7652131	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/980,928	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/03/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **476** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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Morriss O'Bryant Compagni, P.C.
734 East 200 South
Salt Lake City, UT 84102

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MAY 29 2009

OFFICE OF PETITIONS

In re Application of	:	
Daniel Geery	:	
Application No. 10/980,944	:	DECISION ON PETITION
Filed: November 4, 2004	:	TO WITHDRAW
Attorney Docket No. 2766.GEER.NP	:	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 17, 2006.

The request is **moot because a revocation of power of attorney has been filed**.

A review of the file record indicates that the power of attorney to Frank W. Compagni and all attorneys/agents of record has been revoked by the assignee of the patent application on September 11, 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: Traskbritt, P.C.
P.O. Box 2550
Salt Lake City, UT 84110

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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KENNEDY COVINGTON LOBDELL & HICKMAN, LLP
214 N. TRYON STREET
HEARST TOWER, 47TH FLOOR
CHARLOTTE NC 28202

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APR 1 8 2008

OFFICE OF PETITIONS

In re Application of	:	
Albert **Schweser**	:	
Application No. 10/980,965	:	DECISION ON PETITION
Filed: November 04, 2004	:	
Attorney Docket No. 026900.005	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 25, 2007, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to reply in a timely manner to the Restriction requirement mailed March 26, 2007, which set a statutory period for reply of one (1) month. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on April 27, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $1,540.00, and (3) a proper statement of unintentional delay. Accordingly, the reply to the final office action is accepted as having been intentionally delayed.

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

Telephone inquiries concerning this decision should be directed to 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 2877 for appropriate action by the Examiner in the normal course of business on the reply received.

Christopher Bottorff

for David A. Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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APR 18 2007

OFFICE OF PETITIONS

MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS MN 55402-0903

In re Application of

ZIMMEL, Steven et al.
Application No. 10/980,978
Filed: November 03, 2004
Attorney Docket No. **2316.1912US01**

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 undersigned attorney has been withdrawn; all other attorneys remain of record.

The correspondence address of record remains unchanged.

There are no outstanding office actions at this time.

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

Terri Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **SARAH M. MONFELDT**
UNITED STATES PATENT & TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-145

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

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SEP 2 8 2005

OFFICE OF PETITIONS

In re Application of	:	
Krupkin and Shafir	:	DECISION ACCORDING STATUS
Application No. 10/980,982	:	UNDER 37 CFR 1.47(a)
Filed: 3 November, 2004	:	
Atty Dckt No. 02649/100K544-US1	:	

This is in response to the petition under 37 CFR 1.47(a), filed on 19 August, 2005.

Petitioners have shown that the non-signing inventor, Ehud Shafir, has refused to join in the filing of the above-identified application after having been sent a copy of the application papers. Specifically, the petitioners have established, via the statement of Jonathan Zohn, Intellectual Property Manager for assignee Elop Electro-Optics Industries Ltd., that a copy of the above-identified application sent to the non-signing inventor. The non-signing inventor, however, sent a letter, in Hebrew, refusing to sign the declaration naming him as a joint inventor along with Vladimir Krupkin.

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 Office is construing the statement of Jonathon Zohn to mean that a copy of the application papers (specification, including the claims, drawings, if any, and the Declaration) was sent to the non-signing inventor. Petitioners must inform the Office if this is an incorrect interpretation.

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

The application will be referred to Technology Center Art Unit 2874 for examination in due course.

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

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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P.O. Box 1450
Alexandria, VA 22313-1450
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DIW Sep-05

Ehud Shafir
17 Aharonovitch Street
75204 Rishon Lezion
ISRAEL

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SEP 28 2005

OFFICE OF PETITIONS

In re Application of
Krupkin et al.
Application No. 10/980,982
Filed: 3 November, 2004
For: DUAL RANGE ANTENNA

Dear Mr. Shafir:

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

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

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

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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ALEXANDRIA, VA 22313-1450
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WOLF GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON, MA 02210-2206

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JUN 26 2008

OFFICE OF PETITIONS

In re Application of
Margaret A. Vizzard, et. al.
Application No. 10/980,985
Filed: November 3, 2004
Attorney Docket No. V0139.70069US01

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.181 (no fee), filed November 16, 2007, requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to respond to the Requirement for Restriction/Election mailed March 27, 2007. A Notice of Abandonment was mailed on October 18, 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 April 30, 2007[1] of, *inter alia,* a Response to Restriction Requirement. A copy of the previously submitted reply accompanies the petition.

The response acknowledged as having been received in the USPTO on April 30, 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 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 is 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 April 30, 2007.

This application is being referred to Technology Center Art Unit 1649 for appropriate action in the normal course of business on the reply received with petition.

Andrea Smith
Petitions Examiner
Office of Petitions

[1] The response received on April 30, 2007 contained a Certificate of Mailing under 37 CFR 1.8 dated April 27, 2007.

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.
10/980,991	11/03/2004	Eric Connor	ILPS 03032.201	8566

58415 7590 09/01/2009
SENNIGER POWERS LLP (ILPS)
100 NORTH BROADWAY
17TH FLOOR
ST. LOUIS, MO 63102

EXAMINER
HARLAN, ROBERT D

ART UNIT	PAPER NUMBER
1796	

NOTIFICATION DATE	DELIVERY MODE
09/01/2009	ELECTRONIC

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

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

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspatents@senniger.com

UNITED STATES DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10980991	11/3/2004	CONNOR ET AL.	ILPS 03032.201

EXAMINER
DAVID WU

ART UNIT	PAPER
1796	20090827

DATE MAILED:

SENNIGER POWERS LLP (ILPS)
100 NORTH BROADWAY
17TH FLOOR
ST. LOUIS, MO 63102

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

Commissioner for Patents

The petition filed under 37 CFR 1.48(a) on February 3, 2009 has been approved. Please see the attached decision letter.

/David Wu/
Supervisory Patent Examiner, Art Unit 1796

UNITED STATES PATENT and TRADEMARK OFFICE

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

Mailed: DWW

In re Eric Connor et al.
Serial No.: 10/980,991
Filed: November 3, 2004

DECISION ON PETITION
UNDER 37 CFR 1.48(a)

Title: ANION-BINDING POLYMERS AND USES THEREOF

This is a decision on the PETITION TO CORRECT INVENTORSHIP IN A NON-PROVISIONAL PATENT APPLICATION filed February 3, 2009 to correct inventorship under 37 CFR 1.48(a) by adding the names of Jonathan Mills, Jerry M. Buysse, Angela Lee, Deidre Madsen, Jun Shao, Michael James Cope, and John Fordtran 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) Written consent of the assignee, Ilypsa, Inc..

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 1796
Technology Center 1700

Janet S. Hendrickson
SENNIGER POWERS LLP
100 North Broadway, 17th Floor
St. Louis, Missouri 63102

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Paper No.

AKIN GUMP STRAUSS
HAUER & FELD L.L.P.
ONE COMMERCE SQUARE
2005 MARKET STREET
SUITE 2200
PHILADELPHIA PA 19103

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OCT 01 2007

OFFICE OF PETITIONS

In re Application of	:	
Weeks et al.	:	DECISION ON PETITION
Application No. 10/981,008	:	
Filed: November 4, 2004	:	
Atty Docket No. 100286-1US	:	

This is a decision on the PETITION TO REVIVE ABANDONED APPLICATION FOR PATENT filed June 14, 2007, pursuant to 37 CFR 1.137(b).

The petition is **GRANTED**.

The above-identified application became abandoned for failure to file a reply to the non-final Office action mailed November 14, 2006. This Office action set a shortened statutory period for reply of three (3) months, with extensions of time obtainable under § 1.136(a). No reply considered timely filed and no extension of time considered obtained, the application became abandoned effective February 15, 2007. Subsequent to the filing of this petition, a courtesy Notice of Abandonment was mailed on June 20, 2007.

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

Receipt of the power of attorney filed June 14, 2007 is acknowledged. However, the power of attorney and revocation is

not being entered. In order for the assignee to take such action, a proper 3.73(b) statement must be filed. See MPEP 324. No such statement accompanied the petition or was of record in the application.

A courtesy copy of the decision is being sent to the address set forth on the petition. All future correspondence will be sent to the address of record until a proper revocation and power of attorney is filed.

Technology Center AU 3736 has been advised of this decision. The application is, thereby, forwarded to the examiner for consideration of the reply submitted on petition filed June 14, 2007.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

cc: John C. McMahon
PO Box 30069
Kansas City, MO 64112

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JUL 2 0 2005

TECHNOLOGY CENTER 3600

Robert F. Donovan
1775 Lamont Court
Sunnyvale, CA 94087

In re application of Robert F. Donovan Application No. 10/981,013 Filed: November 03, 2004 For: MINI COMMUNICATIONS CENTER	: : : :	**DECISION ON PETITION TO MAKE SPECIAL (APPLICANT'S AGE)**

This is a decision on the petition submitted on November 03, 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. Donovan 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
(571) 272-6587

KJD/slb: 07/06/05

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ROBERT F. DONOVAN
1775 LAMONT COURT
SUNNYVALE CA 94087

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JUN 14 2006
OFFICE OF PETITIONS

In re Application of :
Robert F. Donovan :
Application No. 10/981,013 : DECISION ON PETITION
Filed: 3 November, 2004 :
For: MINI COMMUNICATIONS CENTER :

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

The petition is **GRANTED**.

The application became abandoned on 17 September, 2005, for failure to properly reply to the Notice of Non-Compliant Amendment mailed on 16 August, 2005, which set a one (1) month shortened period for reply. Untimely extensions of time were filed on 19 October and 14 November, 2005, and on 18 January, 2006, along with amendments which were deemed to be non-compliant. Notice of Abandonment was mailed on 1 February, 2006.

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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)).

The amendment filed on 9 December, 2005, will be treated as the required reply.

This application is being referred to Technology Center Art Unit 3637 for consideration of the previously filed reply.

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

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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THE PROCTER & GAMBLE COMPANY
Global Legal Department - IP
Sycamore Building - 4th Floor
299 East Sixth Street
CINCINNATI, OH 45202

Mail Date: 06/14/2010

Applicant	: Zerlina Guzdar Dubois	: DECISION ON REQUEST FOR
Patent Number	: 7648955	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 10/981,018	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/04/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1126** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
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Paper No. 5

LEE & HAYES PLLC
421 W RIVERSIDE AVENUE SUITE 500
SPOKANE, WA 99201

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OFFICE OF PETITIONS

In re Application of	:
Zintel, Gandhi, Gu, Pather,	:
Schlimmer, Rude, Weisman, Ryan,	: DECISION ACCORDING STATUS
Leach, Cai, Knight, and Ford	: UNDER 37 CFR 1.47(a)
Application No. 09/811,362	:
Filed: 16 March, 2001	:
Attorney Docket No. MSI-785US	:

This is in response to the petition filed under 37 CFR 1.47(a) on 2 August, 2001.

The petition is **GRANTED**.

Petitioner has shown that the non-signing inventor, Christopher M. Rude, has refused to join in the filing of the above-identified application after having been sent an copy of the application papers. Specifically, the declaration of petitioners' registered patent attorney, Lewis C. Lee, establishes that the inventor was sent two copies of the application, but has failed to sign and return the declaration naming him as a joint inventor along with William M. Zintel, Amar S. Gandhi, Ye Gu, Shyamalan Pather, Jeffrey C. Schlimmner, Daniel R. Weisman, Donald R. Ryan, Paul J. Leach, Ting Cai, Holly N. Knight, and Peter S. Ford.

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

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

The application is being forwarded to Technology Center 2100 for examination in due course.

Telephone inquiries related to this decision should be directed to the undersigned at 703-308-6918.

Douglas I. Wood
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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ADAMS EVANS P.A.
301 SOUTH TRYON STREET,
SUITE 2180
TWO WACHOVIA CENTER
CHARLOTTE NC 28282-1991

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OFFICE OF PETITIONS

ON PETITION

In re Application of	:
Erik Emmert	:
Application No. 10/981,059	:
Filed: November 4, 2004	:
Attorney Docket No. 3144/47	:

This is a decision on the petition, filed January 3, 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 8, 2006 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

The examiner of Technology Center AU 3636 will consider the request for continued examination under 37 CFR 1.114.

Karen Creasy

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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OFFICE OF PETITIONS

MARTIN & FERRARO, LLP
1557 LAKE O'PINES STREET, NE
HARTVILLE OH 44632

In re Application of :
Gary Karlin Michelson :
Application No. 10/981,066 : DECISION ON PETITION
Filed: November 4, 2004 :
Attorney Docket No. 102.0001-15000 :

This is a decision on the petition under 37 CFR 1.181, filed May 7, 2009, requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**[1].

A Notice of Abandonment was mailed on April 30, 2009, stating that this application is abandoned for failure to take appropriate action in a timely manner after the April 15, 2009, decision of the Board of Patent Appeals and Interferences. Therefore, the proceedings as to the rejected claims were terminated.

Petitioner contends that the holding of abandonment of this application was improper. In this regard, petitioner states that, pursuant to the provisions of 37 CFR 1.304(a), "[a]pplicant has two (2) months from the mail date of the Decision to respond." Therefore, petitioner had up to and including June 15, 2009, within which to take appropriate action.

The rule at 37 CFR 1.304(a)(1) states:

> The time for filing the notice of appeal to the U.S. Court of Appeals for the Federal Circuit (§ 1.302) or for commencing a civil action (§ 1.303) is

[1] Applicant is advised that no new period for response is set by this decision and that applicant must take proper action in the application prior to June 15, 2009, or the application will again be abandoned.

two months from the date of the decision of the Board of Patent Appeals and Interferences.

In view of the above, petitioner is correct that the time period for taking action after the mailing of the Board decision is two (2) months from the April 15, 2009, mailing date thereof. Accordingly, the mailing of the Notice of Abandonment on April 30, 2009, was premature as the period for reply to the Board decision had not yet expired.

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

The Office sincerely apologizes for the inconvenience caused petitioner in this matter.

This application is being directed to Technology Center, GAU 3772 to be returned to a pending status to await the filing of Request for Continued Examination under 37 CFR 1.114 and submission, as per 37 CFR 1.198 or notice that applicant has sought further judicial review.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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COMMISSIONER FOR PATENTS
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ALEXANDRIA, VA 22313-1450
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Paper No.

COOPER & DUNHAM, LLP
1185 AVENUE OF THE AMERICAS
NEW YORK, NY 10036

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OCT 03 2005

OFFICE OF PETITIONS

In re Application of	:	
Scott Small	:	DECISION ON
Application No. 10/981,108	:	PETITION
Filed: November 3, 2004	:	
Attorney Docket No. 0575/67229	:	

This is a decision on the "PETITION PURSUANT TO 37 C.F.R. § 1.78(a)(6)" filed June 23, 2005 to accept the unintentionally delayed claim for priority of prior-filed provisional application No. 60/517,419.

The petition is **GRANTED**.

A petition under 37 CFR 1.78(a)(6), to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of a prior filed provisional application, 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), and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

(1) the surcharge set forth in 37 CFR 1.17(t);

(2) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5) and the date the claim was filed was unintentional; and

(3) the reference to the prior filed provisional application, supplied in an application data sheet (ADS)(37 CFR 1.76) or as an amendment in the first sentence of the

specification following the title. See 35 USC 119(e) and 37 CFR 1.78(a)(5). The Director may require additional information where there is a question whether the delay was unintentional.

The instant pending nonprovisional application was filed on November 3, 2004, within twelve months of the filing date of the prior provisional application, Application No. 60/517,419, which was filed on November 4, 2003, and for which priority is claimed. A reference to the prior provisional application has been included as an amendment to the first sentence of the specification following the title and has been supplied in an application data sheet. The amendment is not acceptable as drafted because it improperly incorporates by reference the prior-filed application[1]. Nonetheless, the application data sheet is acceptable.

The instant nonprovisional application was filed after November 29, 2000, and the claim for priority herein is submitted after expiration of the period specified in 37 CFR 1.78(a)(5). Petitioner states that a typographical error in the serial number of the priority application occurred in the previous priority claim, identifying provisional application No. 60/157,419 instead of provisional application No. 60/517,419. The petition includes the required statement of unintentional delay. Also, the reference to the correct prior filed provisional application was submitted during the pendency of the nonprovisional application for which the benefit is sought. See 35 USC 119(e). Accordingly, having found that the instant petition satisfies the conditions of 37 CFR 1.78(a)(6) for acceptance of an unintentionally delayed claim for priority under 35 USC 119(e), the petition to accept an unintentionally

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[1] Petitioner's attention is directed to Dart Industries v. Banner, 636 F. 2d 684, 207 USPQ273 (C.A.D.C. 1980), where the court drew a distinction between the permissible 35 USC § 120 statement, and the impermissible introduction of new matter by way of incorporation by reference in a 35 USC 120 statement. The court specifically stated:

Section 120 merely provides a mechanism whereby an application becomes entitled to benefit of the filing date of an earlier application disclosing the same subject matter. Common subject matter must be disclosed, in both applications, either specifically or by an express incorporation-by-reference of prior disclosed subject matter. Nothing in section 120 itself operates to carry forward any disclosure from an earlier application. In re deSeversky, supra at 674, 177 USPQ at 146-147. Section 120 contains no magical disclosure-augmenting powers able to pierce new matter barriers. It cannot, therefore "limit" the absolute and express prohibition against new matter contained in section 251 [or 132].

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.

delayed claim of benefit to prior filed provisional Application No. 60/517,419 is granted as of the date of filing the petition.

Receipt of the $1,370 fee required by 37 CFR 1.78(a)(6) is acknowledged.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(6) should not be construed as meaning that the instant application is entitled to the benefit of the 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 USC 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 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 application and the projected publication date, accompanies this decision.

Technology Center AU 1616 has been advised of this decision. The application is, thereby, forwarded to Technology Center AU 1616 for consideration by the examiner of the claim under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(5) for the benefit of the prior provisional application, Application No. 60/517,419, filed on November 4, 2003.

Any inquiries concerning this decision may be directed to Senior Petitions Attorney Nancy Johnson at (571) 272-3219.

Frances Hicks

Frances Hicks
Petitions Examiner
Office of Petitions

Enclosure: Corrected Filing Receipt

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CAESAR, RIVISE, BERNSTEIN,
COHEN & POKOTILOW, LTD.
11TH FLOOR, SEVEN PENN CENTER
1635 MARKET STREET
PHILADELPHIA PA 19103-2212

10/9/09

In re Application of:
BOEHRINGER, JOHN R. et al
Serial No.: 10/981,119
Filed: Nov. 4, 2004
Docket: B1256/20014 (8)
Title: WOUND PACKING MATERIAL FOR USE WITH SUCTION

DECISION ON PETITION

This is a decision on the petition filed on October 1, 2009 to withdraw the finality of the Office Action of May 14, 2009. The petition is being considered pursuant to 37 CFR 1.181 and no fee is required for the petition.

The petition is **granted**.

In the petition, petitioner requests the examiner to withdraw the finality of the Office action mailed on May 14, 2009. In support of his petition, petitioner argues that the final Office action was improper because the examiner failed to treat the amended claims 67-93, 100-108, 110 and 114-119 of the amendment of January 23, 2009. In the final rejection of May 14, 2009, the examiner stated that that claims 67-93, 100-108, 110 and 114-119 as amended are now directed to an invention that is independent or distinct from the invention originally claimed. In particular, the independent claims 67 and 70 recite a wound packing arranged for facilitating the transfer of wound exudates from the wound and from the recited wound packing. The word "arranged" does not appear anywhere in the disclosure as originally filed and therefore no association between disclosed or recited structure and facilitation of transfer of wound exudate is sufficiently supported. Therefore, the examiner concluded that claims 67 and 70 and their dependent claims 68, 69, 71-93, 100-108, 110 and 114-119 are no longer drawn to a supported or elected embodiment.

After a careful review of the file history, the examiner in fact never treated the amended claims 67-93, 100-108, 110 and 114-119 for the reasons as set forth in the final rejection of May 14, 2009. In the petition, petitioner argues that the amended claims 67-93, 100-108, 110 and 114-119 do read on the elected species. The examiner did not provide any discussion of why a person of ordinary skill in the art (POSA) would not have recognized that embodiments of Fig. 7

could be arranged to facilitate exudate transfer. Petitioner further opines that the presence or absence of support in the specification for language in the claims is a 35 U.S.C. § 112 issue. As with a rejection under 35 U.S.C. § 112, the burden is on the examiner to show why the specification does not support the claimed limitation in accordance with MPEP § 2163.

After consulting with the examiner, it was agreed that claims 67-93, 100-108, 110 and 114-119, should be rejoined. An Office action on the merits including the rejoined claims will follow in due course. Therefore, the request to review the withdrawal of claims 67-93, 100-108, 110 and 114-119 is hereby granted. However, this decision does not address the sufficiency and adequacy of the specification for the purposes of patentability determination of the claims 67-93, 100-108, 110 and 114-119.

The application is being forwarded to the examiner via the Supervisory Patent Examiner, Art Unit 3761 for entry and consideration of the Rule 116 amendment filed on June 4, 2009. Any inquiry regarding this decision should be directed to Henry Yuen, Special Programs Examiner, at (571) 272-4856.

PETITION GRANTED

for

Donald T. Hajec, Director
Technology Center 3700

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P.O. Box 1450
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GATEWAY, INC.
ATTN: Patent Attorney
610 GATEWAY DRIVE
MAIL DROP Y-04
N. SIOUX CITY SD 57049

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OFFICE OF PETITIONS

In re Application of	:	
Kriech et al.	:	DECISION ON PETITION
Application No. 10/981,122	:	TO WITHDRAW
Filed: November 4, 2004	:	FROM RECORD
Attorney Docket No. P1987US01	:	

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 29, 2009, which is being treated as a request to withdraw from employment in a proceeding before the Office under 37 C.F.R. § 10.40.

The request is **DISMISSED**.

A review of the file record indicates that Pearne & Gordon LLP does not have power of attorney in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

The request to change the correspondence address of record is not accepted in view of Pearne & Gordon LLP not having power of attorney. See MPEP §§ 601.03 and 405.

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

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

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: PEARNE & GORDON LLP
1801 EAST 9TH STREET
SUITE 1200
CLEVELAND, OH 44114-3108

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TC 3600

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MAR 10 2005

BROWN, RAYSMAN, MILLSTEIN, FELDER & STEINER LLP
900 Third Avenue
New York, NY 10022

In re application of	:	**DECISION ON PETITION**
Jonathan Schull	:	**TO MAKE SPECIAL**
Application No. 10/981,123	:	**(INFRINGEMENT)**
Filed: November 4, 2004	:	
For: SYSTEM AND METHOD FOR PROCESSING PROTECTED TEST INFORMATION		

This is a decision on the petition under 37 C.F.R §1.102(d) filed December 6, 2004 to make the above-identified application special. The petition requests that the above-identified application be made special under the procedure set forth in M.P.E.P. § 708.02, item II: Infringement.

MPEP 708.02 states that a Petition to Make Special based on Infringement must have the following: (1) the appropriate petition fee under 37 CFR 1.17(h); (2) a statement by the assignee, applicant, or attorney alleging: (A) that there is an infringing device or product actually on the market or method in use; (B) that a rigid comparison of the alleged infringing device, product or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed; and (C) that he or she has made a careful and thorough search of the prior art, or has good knowledge of the prior art, and has sent a copy of the references deemed most closely related to the subject matter encompassed by the claims.

The petition filed December 6, 2004 lacks requirements 2(A) and 2(C) above. In regard to the infringing device, product or method actually on the market there is no indication as to what makes up the infringing device, product or method. Petitioner, in regard to 2(C), has not submitted copies of the references deemed most closely related to the subject matter encompassed by the claims.

In view of these deficiencies, the petition is **DISMISSED**.

Any request for reconsideration must be filed within TWO MONTHS of the date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Should petitioner desire reconsideration, he should supplement this petition by a declaration or statement giving the information as outlined above.

Applicant should promptly submit a renewed petition to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. The envelope should

indicate that the correspondence be brought to the attention of Technology Center 3600.

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

Kenneth J. Dorner
Special Programs Examiner
Technology Center 3600
(703) 308-0866

KJD/jwk: 2/8/05

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MAY - 2 2005

BROWN, RAYSMAN, MILLSTEIN,
FELDER & STEINER LLP
900 THIRD AVENUE
NEW YORK, NY 10022

In re application of Johnathan Schull Application No. 10/981,123 Filed: November 4, 2004 For: SYSTEM AND METHOD FOR PROCESSING PROTECTED TEXT INFORMATION	: : : :	**DECISION ON PETITION TO MAKE SPECIAL (INFRINGEMENT)**

This is a decision on the petition under 37 C.F.R § 1.102(d) filed April 11, 2005 to make the above-identified application special.

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

MPEP 708.02 states that a Petition to Make Special based on Infringement must have the following: (1) the appropriate petition fee under 37 CFR 1.17(i); (2) a statement by the assignee, applicant, or attorney alleging: (A) that there is an infringing device or product actually on the market or method in use; (B) that a rigid comparison of the alleged infringing device, product or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed; and (C) that he or she has made a careful and thorough search of the prior art, or has good knowledge of the prior art, and has sent a copy of the references deemed most closely related to the subject matter encompassed by the claims.

The petition filed April 11, 2005 meets all of the requirements above and, therefore, the petition is **GRANTED**.

With regards to element 2(C) above, an Information Disclosure Statement was filed on April 11, 2005.

The examiner is directed (1) to make an interference search for possible interfering applications; (2) to promptly examine this application out of turn; and (3) if any interfering application is discovered, to examine such application

simultaneously and state in the first official letter of such application that it is being taken out of turn because of a possible interference.

Petitioner is advised that this application will continue to be special, throughout its entire prosecution and pendency, including interference and appeal, if any, only if petitioner makes a prompt *bona fide* effort, in response to each Office action, to place the application in condition for allowance, even if it is necessary to conduct an interview with the examiner to accomplish this purpose.

Steven N. Meyers
Special Programs Examiner
Technology Center 3600
(571) 272-6611

SNM/slb: 04/27/05

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THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
600 GALLERIA PARKWAY, S.E.
STE 1500
ATLANTA, GA 30339-5994

Mail Date: 04/21/2010

Applicant	: Wen-Chiuan Liao	: DECISION ON REQUEST FOR
Patent Number	: 7596695	: RECALCULATION of PATENT
Issue Date	: 09/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/981,127	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/04/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **978** 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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MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO IL 60661

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APR 22 2010

OFFICE OF PETITIONS

In re Application of	:	
Eric Ojard	:	
Application No. 10/981,173	:	DECISION ON PETITION
Filed: November 4, 2004	:	
Attorney Docket No. 15454US02	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 24, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to reply in a timely manner to the final Office action mailed December 31, 2008. No extensions of time under the provisions of 37 CFR 1.136(a) were timely obtained. Accordingly, this application became abandoned on April 1, 2009. A Notice of Abandonment was mailed November 2, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $810.00 and the submission required by 37 CFR 1.114; (2) the petition fee of $1,620.00; and (3) a proper statement of unintentional delay.

Additionally, 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 $1,110.00 extension of time fee submitted with the petition on February 24, 2010 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be refunded to petitioner's deposit account in due course.

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

This matter is being referred to Technology Center 2112 for processing of the Request for Continued Examination under 37 CFR 1.114 and the Amendment filed with the instant petition.

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions

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Law Firm of Peter V.D. Wilde
301 East Landing
Williamsburg, VA 23185

In re Application of

Desko, et al.

Application No. 10/981,175

Filed: November 3, 2004

Attorney Docket No. 13-19-26

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed June 29, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The above-cited application became abandoned for failure to file a timely Appeal Brief after the filing of a Notice of Appeal on November 6, 2006. The application became abandoned on January 7, 2007.

The Appeal Brief, filed June 29, 2007, is noted.

The application is being forwarded to Technology Center 2800, GAU 2811 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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500 WEST MADISON STREET
SUITE 3400
CHICAGO, IL 60661

Mail Date: 04/21/2010

Applicant	: Jiann-Tsuen Chen	: DECISION ON REQUEST FOR
Patent Number	: 7584380	: RECALCULATION of PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/981,178	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/04/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **839** 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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POLSINELLI SHALTON FLANIGAN SUELTHAUS PC
700 W. 47TH STREET, SUITE 1000
KANSAS CITY, MO 64112-1802

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In re Application of	:	
GREGG, David W.	:	
Application No. 10/981,192	:	DECISION ON PETITION
Filed: November 4, 2004	:	TO WITHDRAW
Attorney Docket No. **98909**	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 2, 2008.

The request is **APPROVED**.

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

The request was signed by Brian B. Diekhoff 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 correspondence address of record has been changed and the new correspondence address is the address indicated below.

The application became abandoned for failure to timely respond to the final Office action mailed May 12, 2008.

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

/Monica A. Graves/
Petitions Examiner
Office of Petitions

cc: **ROCK N ROLLER, LLC**
P.O. BOX 560
OAK GROVE, MO 64075

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Michael P. Leary
Sr. Group Patent Counsel
Black & Decker Corporation
701 E. Joppa Rd, Mail Stop TW199
Towson, MD 21286

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OFFICE OF PETITIONS

In re Application of	:	
Stirm et al.	:	
Application No. 10/981,197	:	
Filed: November 4, 2004	:	
Attorney Docket Number:	:	DECISION ON
P-US-PR 1119	:	PETITION

This is a decision on the Petition to Revive the Application based upon unintentional abandonment, filed April 27, 2006.

The petition is **granted**.

The above-identified application became abandoned for failure to timely and properly respond to the Notice of Allowance and Issue Fee Due ("Notice"), mailed January 11, 2006. The Notice set a one (1) month period for reply. No response having been received, the application became abandoned on April 12, 2006. The mailing of this Decision precedes the mailing of a Notice of Abandonment.

With the instant petition Applicant has submitted the issue fee.

This application is being referred to Publishing Division for processing into a patent.

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

Derek L. Woods
Attorney
Office of Petitions

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MICHAEL P. LEARY
SR. GROUP PATENT COUNSEL
BLACK & DECKER CORPORATION
701 E. JOPPA RD, MAIL STOP TW199
TOWSON MD 21286

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OFFICE OF PETITIONS

In re Application of	:	
Michael Stirm, et al.	:	
Application No. 10/981,197	:	ON PETITION
Filed: November 4, 2004	:	
Attorney Docket No.: P-US-PR 1119	:	

This is a decision on the petition, filed September 6, 2006, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on April 27, 2006, in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance. [1]

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

The application is being referred to Technology Center AU 3721 for further processing of the request for continued examination under 37 CFR 1.114.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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

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Date : September 8, 2006

TO : Director, Office of Patent Publication

FROM : Office of the Deputy Commissioner for Patent Examination Policy

SUBJECT : Withdrawal from Issue of

Applicant(s) : Michael Stirm, et al.
Application No. : 10/981,197
Filed : November 4, 2004

The above-identified application has been assigned Patent No. 7,108,078 and an issue date of September 19, 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 September 19, 2006:

> "All reference to Patent No. 7,108,078 to MICHAEL STIRM, ET AL. of GERMANY for VIBRATION REDUCTION APPARATUS FOR POWER TOOL AND POWER TOOL INCORPORATING SUCH APPARATUS appearing in the Official Gazette of September 19, 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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COHEN, PONTANI, LIEBERMAN & PAVANE
551 FIFTH AVENUE
SUITE 1210
NEW YORK NY 10176

In re Application of	:	
Armin Miller	:	
Serial No.: 10/981,198	:	**DECISION ON PETITION**
Filed: November 4, 2004	:	
For: Method of Manufacturing a Fur	:	
Hat Using Tail Fur	:	

This is in response to applicants' petition filed January 12, 2005, to make the above-identified application special under the provisions of 37 CFR 1.102(d), based on infringement.

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

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

Should there be any questions with regard to this letter please contact 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 (703) 872-9306.

Frederick R. Schmidt

Frederick R. Schmidt, Director
Technology Center 3700

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AMSTER, ROTHSTEIN & EBENSTEIN LLP
90 PARK AVENUE
NEW YORK, NY 10016

Mail Date: 04/21/2010

Applicant	: Charles E. Croke	: DECISION ON REQUEST FOR
Patent Number	: 7640529	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/981,201	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/03/2004	: 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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SCHLUMBERGER OILFIELD SERVICES
200 GILLINGHAM LANE
MD 200-9
SUGAR LAND, TX 77478

Mail Date: 04/21/2010

Applicant	: William E. Brennan III	: DECISION ON REQUEST FOR
Patent Number	: 7392851	: RECALCULATION of PATENT
Issue Date	: 07/01/2008	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/981,204	: OF WYETH
Filed	: 11/04/2004	:
		:

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

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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IBM CORPORATION
IPLAW SHCB/40-3
1701 NORTH STREET
ENDICOTT, NY 13760

Mail Date: 04/20/2010

Applicant	: Scott Thomas Marcotte	: DECISION ON REQUEST FOR
Patent Number	: 7624207	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/981,210	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/04/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1141** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/981,211	11/04/2004	1722	460	1611.00002	2	20	3

CONFIRMATION NO. 8002

UPDATED FILING RECEIPT

OC000000015158258

Bliss McGlynn, P.C.
Suite 600
2075 West Big Beaver Road
Troy, MI 48084

Date Mailed: 02/10/2005

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)

Patrick A. Tooman, Clarkston, MI;

Power of Attorney:

Daniel Bliss–32398
Gerald McGlynn III–33737
Brian Pickell–45013
Thomas Vesbit–50562

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 12/08/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/981,211

Projected Publication Date: Request for Non-Publication Acknowledged

Non-Publication Request: Yes

Early Publication Request: No

** SMALL ENTITY **

Title

Drop tip

Preliminary Class

425

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

GRANTED

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

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

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

NOT GRANTED

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

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JUN 13 2007
TECHNOLOGY CENTER 2800

MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO, IL 60661

In re Application of:
Himakiran Kodihalli et al.
Serial No.: 10/981,219
Filed: November 4, 2004
Attorney Docket No.: 14161US03

DECISION *SUA SPONTE*
WITHDRAWING HOLDING
OF ABANDONMENT

This is a decision, *sua sponte*, withdrawing the holding of abandonment of the above-identified application.

A Final Office action was mailed on May 3, 2006. An amendment was filed on September 22, 2006 and the examiner issued an Advisory Action on October 18, 2006, and indicated that entry of the amendment was refused because it was deemed to raise new issues that required further consideration. A Notice of Abandonment was mailed on June 4, 2007.

Although no petition or request to withdraw the holding of abandonment in this application has been filed, the Advisory Action and the Notice of Abandonment are hereby vacated, the holding of abandonment withdrawn and the application restored to pending in view of the fact that a Request for Continued Examination (RCE) was filed on September 22, 2006 along with an amendment as the required submission. However, the USPTO did not record and process the RCE resulting in the improper issuance of the Advisory Action and the Notice of Abandonment. The application is not abandoned in fact. Inconvenience to the applicant is regretted.

The RCE will be processed and an Office action will be issued in due course.

Any inquiry regarding this decision should be directed to Hien H. Phan, Special Program Examiner, at (571) 272-1606.

Robert Oberleitner, Group Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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EMERSON, THOMSON & BENNETT, LLC
777 W. MARKET STREET
AKRON, OH 44303

COPY MAILED
AUG 22 2008

In re Application of	:	
George **BAILEY**	:	
Application No. 10/981,221	:	DECISION ON PETITION
Filed: November 4, 2004	:	TO WITHDRAW
Attorney Docket No. 20718.27484	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) filed March 19, 2008.

The request is **NOT APPROVED**.

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

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

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

Diane Goodwyn
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Date February 12, 2007

Patent No. :7,140,833
Inventor(s) : Christopher M. Bailey
Issued :November 28, 2006
Docket No. :MO2A213

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.

For Cecelia Newman
Decisions & Certificates
of Correction Branch
(703) 308-9390 or (703) 308- 9380 ext. 123

Ira Lee Zebrak
The BOC Group, Inc.
Legal Services-Intellectual Property Dept.
575 Mountain Avenue,
Murray Hill, NJ 07974

CBN/arg

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Thomas N. Young
Suite 624
3001 West Big Beaver Road
Troy MI 48084

In re Application of:
Bullock, Donald et al
Serial No.: 10/981,236
Filed: Nov. 4, 2005
Docket: MBT-155-A
Title: PACKAGING PROCESS FOR GRANULAR MATERIAL AND PACKAGE PRODUCED THEREBY

DECISION ON PETITION

This is a decision on the Request for Six-Month Suspension received on Dec. 6, 2007, seeking to suspend action for the second time on the above-identified application for a period of six months. This Request is being considered as a petition pursuant to 37 CFR § 1.103(a). The petitioner has authorized a charge of the requisite petition fee $130.00 to the Account No. 25-0115.

The petition is dismissed.

The record shows that:

1) On Feb. 20, 2007, the examiner issued a non-final Office action.
2) On Jul. 11, 2007, the applicant filed a response to the non-final Office action and a request for six month suspension under 37 CFR § 1.103(a). Subsequently, on Jul. 24, 2007, the examiner granted the request for a six-month suspension of Office action.
3) On Dec. 6, 2007, the applicant flied the second Request for Six-Month Suspension. In the Request, the applicant states that a six-month suspension of prosecution is for good cause as stated in the first Request for six-month suspension filed on Jul. 11, 2007.

Applicant's second request for suspension filed Dec. 12, 2007 fails to set forth good and sufficient reasons to delay prosecution. The Office must balance the burden of timely examinations and needs of the public to know which claims it faces with the needs of applicants in pursuing claims which reflect the scope to which they are entitled. Applicant has failed to outline where he presently stands in the process of gathering evidence of commercial success or to establish why, in particular, another six months will advance his position. Accordingly, applicant has failed to establish good and sufficient reasons to continue in the delay of prosecution. The application is removed from suspended status and being returned to the examiner for immediate consideration of the remarks filed Jul. 11, 2007 and issuance of the next office action.

The application is being forwarded to the Supervisory Patent Examiner of Art Unit 3728 for preparation of an Office action in response to the reply filed on Jul. 11, 2007. Any inquiry regarding this decision should be directed to Henry Yuen, Special Programs Examiner, at (571) 272-4856.

PETITION DISMISSED.

Frederick R. Schmidt, Director
Technology Center 3700

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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/981,247	11/04/2004	Anil Rajaram Shah	200400613-1	8209

7590 04/14/2008
HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER
NGUYEN, BRIAN D

ART UNIT	PAPER NUMBER
2616	

NOTIFICATION DATE	DELIVERY MODE
04/14/2008	ELECTRONIC

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☐ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
4. ☑ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Tomi Farmer

Patent Publication Branch
Office of Data Management

FORM PET651D (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/981,247	11/04/2004	Anil Rajaram Shah	200400613-1	8209

7590 04/21/2008
HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER
NGUYEN, BRIAN D

ART UNIT	PAPER NUMBER
2616	

NOTIFICATION DATE	DELIVERY MODE
04/21/2008	ELECTRONIC

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

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2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☑ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nina Farmer

Patent Publication Branch
Office of Data Management

FORM PET651D (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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OIPE IAP63
SEP 30 2005
PATENT & TRADEMARK OFFICE

Scott F. Mellino
D. Peter Hochberg Co., L.P.A.
6th Floor
1940 East 6th St.
Cleveland, OH 44114

MAILED

SEP 01 2005
Director's Office
Group 3700

In re application of
Edward Khoury

Serial Number: 10/981,260
Filed: November 04, 2004

For: **DOMESTIC APPLIANCES**

NOTICE OF WITHDRAWAL FROM ISSUE UNDER 37 CFR. 1.313

The above-identified application is withdrawn from issue after payment of the issue fee to permit reopening of prosecution, due to newly discovered references. The examiner will communicate an office action to you.

The issue fee is refundable upon written request. If, however, the application is again found allowable, the issue fee can be applied toward payment of the issue fee in the amount identified on the new Notice of Allowance and Issue Fee Due upon written request. This request and any balance due must be received on or before the due date noted in the new Notice of Allowance in order to prevent abandonment of the applicant.

Telephone inquiries should be directed to Robin Evans at (571) 272-4777.

The above-identified application is being forwarded to the examiner for prompt appropriate action, including notifying applicant of the new status of this application.

Richard A. Bertsch, Director
Technology Center 3700
571-272-3750

rt/ 8/31/05

PTO/SB/21 (09-04)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

OIPE IAP69 SEP 30 2005 PATENT & TRADEMARK OFFICE

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/981,260
Filing Date	11/04/2004
First Named Inventor	Edward Joseph Khoury
Art Unit	3742
Examiner Name	Joseph Moore Pelham
Attorney Docket Number	JG0933US (#90578)

ENCLOSURES (Check all that apply)

- [ ] Fee Transmittal Form
  - [ ] Fee Attached
- [ ] Amendment/Reply
  - [ ] After Final
  - [ ] Affidavits/declaration(s)
- [ ] Extension of Time Request
- [ ] Express Abandonment Request
- [ ] Information Disclosure Statement
- [ ] Certified Copy of Priority Document(s)
- [ ] Reply to Missing Parts/ Incomplete Application
  - [ ] Reply to Missing Parts under 37 CFR 1.52 or 1.53
- [ ] Drawing(s)
- [ ] Licensing-related Papers
- [ ] Petition
- [ ] Petition to Convert to a Provisional Application
- [ ] Power of Attorney, Revocation Change of Correspondence Address
- [ ] Terminal Disclaimer
- [ ] Request for Refund
- [ ] CD, Number of CD(s) _____
  - [ ] Landscape Table on CD
- [ ] After Allowance Communication to TC
- [ ] Appeal Communication to Board of Appeals and Interferences
- [ ] Appeal Communication to TC **(Appeal Notice, Brief, Reply Brief)**
- [ ] Proprietary Information
- [ ] Status Letter
- [X] Other Enclosure(s) (please Identify below): Post card receipt Letter re Payment of Issue Fee; PTOL-85

Remarks

Please charge any additional fees or credit any overpayment to applicant's attorney's Deposit Account No. 08-2441.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	D. Peter Hochberg Co., L.P.A.		
Signature			
Printed name	D. Peter Hochberg		
Date	9 / 28 / 2005	Reg. No.	24,603

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature	Christine Kotran		
Typed or printed name	Christine Kotran	Date	9 / 28 / 2005

This collection of information is required by 37 CFR 1.5. 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 and1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

OIPE IAP69
SEP 30 2005
PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Edward Joseph Khoury
Serial No.	:	10/981,260 / Confirmation No. 6485
Filed	:	November 4, 2004
Title	:	DOMESTIC APPLIANCES
Examiner	:	Joseph Moore Pelham / Art Unit: 3742
Attorney's File	:	JG0933US (#90578)

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

LETTER RE PAYMENT OF ISSUE FEE

Dear Sir:

In response to the "Notice of Allowance and Fee(s) Due" mailed on May 18, 2005, the issue fee for the referenced application was timely paid on August 16, 2005. Subsequently, applicant's attorney received a "Notice of Withdrawal from Issue Under 37 CFR. 1.313" mailed September 1, 2005 (copy attached) indicating that "the issue fee can be applied toward payment of the issue fee in the amount identified on the new Notice of Allowance and Issue Fee Due upon written request." On September 13, 2005, a new Notice of Allowance was issued, and accordingly, form PTOL-85 from such Notice is submitted herewith. It is requested that the payment made on August 16, 2005 be applied hereto. In fact, the attached form PTOL-85 with a mailing date of 09/13/2005 indicates that "$0" fees are currently due.

For the reasons noted above, entry of the attached PTOL-85 and prompt issuance of the patent hereon is earnestly solicited.

Respectfully submitted,

By: _____
D. Peter Hochberg
Reg. No. 24,603

DPH/ck
Enc.

D. Peter Hochberg Co., L.P.A.
1940 E. 6th Street - 6TH Floor
Cleveland, Ohio 44114
Phone: (216) 771-3800
Fax: (216) 771-3804
e-mail: DPHDOCKET@aol.com

Certificate of Mailing

I hereby certify that this document, and anything indicated as being attached or enclosed, is being deposited with the United States Postal Service as First Class mail in an envelope addressed: Mail Stop Issue Fee, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on **September 28, 2005**.

Christine Kotran: _____

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

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

Mail Date: 04/20/2010

Applicant	: Jonathan H. LeBowitz	: DECISION ON REQUEST FOR
Patent Number	: 7629309	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/981,267	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/03/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **640** 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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CHOATE, HALL & STEWART LLP
TWO INTERNATIONAL PLACE
BOSTON, MA 02110

Mail Date: 05/17/2010

Applicant : Jonathan H. LeBowitz
Patent Number : 7629309
Issue Date : 12/08/2009
Application No : 10/981,267
Filed : 11/03/2004

: 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 **676** 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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BOZICEVIC, FIELD & FRANCIS LLP
1900 UNIVERSITY AVENUE
SUITE 200
EAST PALO ALTO CA 94303

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AUG 16 2006

OFFICE OF PETITIONS

In re Application of	:	
Gazit-Bornstein, et al.	:	
Application No. 10/981,300	:	DECISION ON PETITION
Filed: November 3, 2004	:	TO WITHDRAW
Attorney Docket No. ABGX-005	:	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**.

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

The request cannot be approved because no reasons for withdrawal have been provided. The Office cannot, at this time, determine whether practitioner's request is one of the mandatory or permissive reasons enumerated in 37 CFR 10.40. Any subsequent requests must include reasons for withdrawal. Please note that there is a space provided for on PTO/SB/83 (Request to Withdraw as Attorney or Agent) to supply practitioner's reasons.

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

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

David Bucci
Petitions Examiner
Office of Petitions

cc: Michael Fuller
Knobbe, Martens, Olsen & Bear, LLP
550 West C Street
Suite 1200
San Diego, CA 92101

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225 FRANKLIN ST
BOSTON MA 02110

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MAY 2 6 2005

OFFICE OF PETITIONS

In re Application of Hill Application No. 10/981,316 Filed: November 4, 2004 For: CHARACTERIZATION AND COMPENSATION OF ERRORS IN MULTI-AXIS INTERFEROMETRY SYSTEMS Attorney Docket No. 09712-368001 / Z-465	Decision on Petition

The above-identified application has been forwarded to this office for consideration of the paper styled "Request to Rescind Request For Early Publication Request" received on March 18, 2005, which is being treated as a petition under 37 CFR 1.182 for Questions Not Specifically Provided For.

The petition is granted.

Applicant requested early publication on November 4, 2004. The application was being scheduled for early publication. The application has been rescheduled for publication on June 23, 2005.

The petition fee of $400.00 under 37 CFR 1.17(f) has been charged to petitioners' Deposit Account No. 06-1050. The publication fee will not be refunded, as the fee was properly paid by an applicant. See 37 CFR 1.26(a). Applicant requested early publication and he was properly charged the publication fee.

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

Mark O. Polutta for KF

Karin Ferriter
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

Attorney's Docket No.: 09712-368001 / Z-465

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Henry A. Hill
Serial No. : 10/981,316
Filed : November 4, 2004
Title : CHARACTERIZATION AND COMPENSATION OF ERRORS IN MULTI-AXIS INTERFEROMETRY SYSTEMS

Art Unit : 2877
Examiner : Unknown

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

REQUEST TO RESCIND REQUEST FOR EARLY PUBLICATION

Applicant hereby request that the request for early publication be rescinded.

Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: 3/18/2005

Chris C. Bowley
Reg. No. 55,016

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110-2804
Telephone: (617) 542-5070
Facsimile: (617) 542-8906

21049851.doc

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05/26/2005 AKELLEY 00000007 061050 10981316
01 FC:1462 400.00 DA

CERTIFICATE OF TRANSMISSION BY FACSIMILE

I hereby certify that this correspondence is being transmitted by facsimile to the Patent and Trademark Office on the date indicated below.

Date of Transmission

Signature

Patricia Smith
Typed or Printed Name of Person Signing Certificate

OIPE JC149
APR 11 2005
PATENT & TRADEMARK OFFICE

IFW

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, with sufficient postage, addressed to: Commissioner for Patents, Alexandria, VA 22313-1450, on

April 7, 2005
Date of Deposit

Henry L. Brinks, Reg. No. 17,013
Name of Applicant, Assignee or Registered Representative

Signature

April 7, 2005
Date of Signature

Our Case No.: 4921/171

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Barnard Stewart Silver

Serial No.: 10/981,335

Filing Date: November 3, 2004

For: COMPOSITIONS CONTAINING AT LEAST ONE POLYOL AND INULIN CHARACTERIZED BY REDUCED TENDENCIES OF THE AT LEAST ONE POLYOL TO INDUCE ACUTE DIARRHEA

Examiner: To Be Assigned

Group Art Unit No.: 1761

PETITION FOR ADVANCEMENT OF EXAMINATION UNDER 37 C.F.R. § 1.102(c)

Commissioner for Patents
Alexandria, VA 22313-1450

Dear Sir:

PETITION GRANTED
Richard Crispino
Special Program Examiner
TC 1700 APR 26 2005

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SAWYER LAW GROUP, LLP
PO BOX 51418
PALO ALTO, CA 94303

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JUL 07 2008

In re Application of	:	
Alexandros Markos Maniatopoulos, et al.	:	
Application No. 10/981,350	:	DECISION ON PETITION
Filed: November 3, 2004	:	TO WITHDRAW
Attorney Docket No. 4092P	:	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 2, 2008.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Sawyer Law Group, LLP has been revoked by the assignee of the patent application on May 9, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

Telephone inquires concerning this decision should be directed to undersigned at 571-272- 1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: SCHWEGMAN, LUNDBERG & WOESSNER / ATMEL
PO BOX 2938
MINNEAPOLIS, MN 55402

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MICHAEL BUCHENHORNER
MICHAEL BUCHENHORNER, PA
8540 SW 83RD STREET
MIAMI, FL 33143

MAILED
APR 23 2010
OFFICE OF PETITIONS

In re Application of	:	
Noboru Kamijo	:	
Application No. 10/981,358	:	DECISION ON PETITION
Filed: November 4, 2004	:	
Attorney Docket No. JP920030254US1	:	

This is a decision on the petition under 37 CFR 1.137(b), filed February 13, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before December 30, 2009, as required by the Notice of Allowance and Fee(s) Due mailed September 30, 2009. Accordingly, the application became abandoned on December 31, 2009. A Notice of Abandonment was mailed January 20, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1,510 and the publication fee of $300, (2) the petition fee of $1,620, and (3) a proper 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 the Office of Data Management for processing into a patent.

Carl Friedman
Petitions Examiner
Office of Petitions

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Alston & Bird, LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000

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MAR 1 1 2005

OFFICE OF PETITIONS

In re Application of	:	
Christopher J. Fairbanks, et al.	:	
Application No. 10/981,375	:	DECISION GRANTING
Filed: November 3, 2004	:	PETITION
Attorney Docket No. 043474/278535	:	

This is a decision on the petition filed February 15, 2005, requesting that the above-identified application be accorded a filing date of November 3, 2004, rather than the presently accorded date of November 2, 2004. The petition is properly treated as a petition under 37 CFR 1.10(c).

The petition is **GRANTED**.

Petitioner alleges that the application was deposited in Express Mail Service on November 3, 2004. In support, the petition is accompanied by a copy of Express Mail receipt No. EV387069838US, showing a "date-in" of November 3, 2004, as well as US Postal Service date stamp of even date. The same Express Mail receipt number was referred to in the original application papers found in the file.

The Office considers the date the paper or fee shown as deposited as "Express Mail" to be the "date-in" on the Express Mail label. See MPEP 513. That is the date that verifies that the package was actually mailed. The evidence is convincing that the application was deposited as "Express Mail" with the U. S. Postal Service on November 3, 2004 and the filing date of the application will be accorded such.

Since the Office erred in according an incorrect the filing date, the petition fee of $400 submitted with the instant petition is unnecessary. Accordingly, the $400 fee will be credited to petitioner's deposit account in due course.

This application file is being forwarded to the Office of Initial Patent Examination Division for further **processing with a filing date of November 3, 2004.** Thereafter, the application file will be forwarded to Technology Center 3600 for examination in due course.

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

Marianne E. Jenkins

Marianne E. Jenkins
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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Jackie Jay Schwartz
1350 Broadway
Suite 1510
NEW YORK NY 10018

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MAR 0 3 2005

OFFICE OF PETITIONS

In re Application of	:	
Hirano et al.	:	DECISION GRANTING
Application No. 10/981,394	:	PETITION
Filed: October 29, 2004	:	
Attorney Docket No. 1083-5	:	

This is a decision on the petition under 37 CFR 1.10(c), filed December 23, 2004, requesting that the above-identified application be accorded a filing date of October 29, 2004.

Petitioner alleges that the application was deposited in Express Mail service on October 29, 2004. In support of the allegation, the petition is accompanied by a copy of Express Mail label No. EL963737848US. The date-in on the Express Mail label is October 29, 2004. The same Express Mail label number was placed on the original application papers located in the official file.

The petition is **granted**. No petition fee is necessary.

The application is undergoing pre-exam processing and the application has been accorded a filing date of October 29, 2004.

This matter will be referred to the Office of Initial Patent Examination for further processing.

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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EDELL, SHAPIRO & FINNAN, LLC
1901 RESEARCH BOULEVARD
SUITE 400
ROCKVILLE, MD 20850

Mail Date: 07/15/2010

Applicant	: Ganesh Sundaram	: DECISION ON REQUEST FOR
Patent Number	: 7653066	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 10/981,400	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/04/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1166** 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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WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP
BRADFORD GREEN, BUILDING 5
755 MAIN STREET, P O BOX 224
MONROE CT 06468

MAILED

MAR 30 2009

OFFICE OF PETITIONS

In re Application of :
Vaidyanathan :
Application No. 10/981,415 :
Filed: November 3, 2004 :
Attorney Docket No. 915-008.026 :
For: OPERATOR ROOT CERTIFICATES

ON PETITION

This is a decision on the petition under 37 CFR 1.181, filed March 2, 2009 (certificate of mailing date February 26, 2009), to withdraw the holding of abandonment.

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

The Office contended that the above-identified application became abandoned for failure to submit a reply to the April 4, 2008 non-final Office action, which set a three month extendable period for reply. No extensions of time or reply being received, the Office contended that this application became abandoned on July 5, 2008. A Notice of Abandonment was mailed on February 17, 2009.

Petitioner alleges that the April 4, 2008 non-final Office action was not received.

The showing required to establish non-receipt of an Office communication must include:

1. A statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received.
2. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.[1]

Petitioner has satisfied the above-listed requirements. The petition is **granted** and the holding of abandonment is withdrawn.

---

[1] See notice entitled "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 O.G. 53 (November 16, 1993).

Petitioner has filed a response to the April 4, 2008 non-final Office action with the present petition. As such, there is no need to re-mail the April 4, 2008 non-final Office action with a new period set for reply.

After the mailing of this decision, the application will be returned to Technology Center A.U. 2431 for consideration of the amendment filed on March 2, 2009 (certificate of mailing date February 26, 2009).

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

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Mail Date: 04/21/2010

Applicant	: Krishnan Vaidyanathan	: DECISION ON REQUEST FOR
Patent Number	: 7594108	: RECALCULATION of PATENT
Issue Date	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/981,415	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/03/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1358** 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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Weaver Austin Villeneuve & Sampson LLP - IGT
Attn: IGT
P.O. Box 70250
Oakland, CA 94612-0250

Mail Date: 04/20/2010

Applicant	: Binh Nguyen	: DECISION ON REQUEST FOR
Patent Number	: 7577847	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/981,435	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/03/2004	: 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.

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C/O KEATING & BENNETT, LLP
8180 GREENSBORO DRIVE
SUITE 850
MCLEAN VA 22102

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AUG 3 1 2006

OFFICE OF PETITIONS

In re Application of :
Chester Colburn Walsh :
Application No. 10/981,441 : ON PETITION
Filed: November 4, 2004 :
Attorney Docket No. 90606.18 :

This is a decision on the petition filed May 2, 2006 under 37 CFR 1.137(b),[1] to revive the above-identified application.

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

This application became abandoned February 7, 2005 for failure to timely pay the issue fee on or before May 1, 2006. The instant petition and this decision precede the mailing of the Notice of Abandonment.

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

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

---

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

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

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

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

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

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3141 FAIRVIEW PARK DRIVE
SUITE 500
FALLS CHURCH VA 22042

MAILED

APR 29 2009

OFFICE OF PETITIONS

In re Application of	:	
Jang et al.	:	DECISION ON PETITION
Application No. 10/981,458	:	TO WITHDRAW
Filed: November 5, 2004	:	FROM RECORD
Attorney Docket No. 249/487	:	

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed March 13, 2009.

The request is **NOT APPROVED**.

The Request for Withdrawal as Attorney or Agent and Change of Correspondence Address submitted on March 13, 2009 is hereby not accepted. Petitioner has not complied with current USPTO requirements, as set forth in 37 CFR 10.40 concerning Request for Withdrawal as Attorney and Change of Correspondence Address. Specifically, pursuant to 37 CFR 10.40, the Office will require the practitioner(s) to certify that he, she or they have:

> (1) given reasonable notice to the client, prior to the expiration of the reply period, 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 replies that may be due and the time frame within which the client must respond.

Petitioner has not complied with the above certifications. It is suggested that petitioner submit a properly completed PTO/SB/83 (effective date May 12, 2008), which provides a section wherein practitioners may certify the completion of the above-listed activities necessary for the request to withdraw from representation to be granted. Further, petitioner has also failed to provide a reason for the withdrawal. This, too, may be address on the above-mentioned form.

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

Currently, there is no outstanding Office action that requires a reply.

Telephone inquires concerning this decision should be directed to Joan Olszewski at 571-272-7751.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

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

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MAR 24 2006

OFFICE OF PETITIONS

In re Application of :
Kishi et al. : ON PETITION
Application No. 10/981,508 :
Filed: 5 November, 2004 :
Atty Docket No. 261228US2RD DIV :

This is a decision on the petition filed on 22 December, 2005, styled under 37 CFR 1.137(a), requesting withdrawal of the holding of abandonment. The petition is properly treated as a petition to withdraw the holding of abandonment.

The petition is **GRANTED**.

The application was held abandoned for failure to timely file the issue and publication fees as required by the Notice of Allowance and Fee(s) Due mailed on 16 June, 2005, which set a three (3) month statutory period for reply. Notice of Abandonment was mailed on 4 November, 2005.

Petitioners assert that the Notice mailed on 16 June, 2005, was never received.

In the absence of any irregularity in the mailing of the Notice of Allowance, there is a strong presumption that the Notice was properly mailed to practitioner at the address of record. This presumption may be overcome by a showing that the Notice was not in fact received. The showing required to establish the failure to receive an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received. A copy of the docket record where the non-received Office action would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. See "Withdrawing the Holding of

Abandonment When Office Actions Are Not Received" 1156 Official Gazette 53 (November 16, 1993) and M.P.E.P. § 711.03(c). The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the final Office action may have been lost after receipt rather than a conclusion that the final Office action was lost in the mail.

A review of the record indicates that the Notice of Allowance and Fee(s) Due was properly mailed to the practitioner of record at the correspondence address of record at the time of mailing. Thus, there was no irregularity in mailing the Office action on the part of the United States Patent and Trademark Office.

In support of the petition, the petitioner has submitted verified statements from the practitioner, Eckhard H. Kuesters, stating that the Office communication was not received by the practicioner, and attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received. Copies of docket records for the above-identified application where the non-received Office action would have been entered had it been received and docketed were attached.

The petitioner has made a sufficient showing of nonreceipt of the Office action. Accordingly, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

Receipt of the issue and publication fees is acknowledged. As the petition was necessitated by an Office error, the petition fee will be credited to counsel's deposit account.

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

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

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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APR 2 7 2009

OFFICE OF PETITIONS

In re Application of
Kiyoshige SHIBAZAKI
Application No. 10/981,515
Filed: November 5, 2004
Attorney Docket No. **105401.01**

DECISION GRANTING PETITION
UNDER 37 CFR 1.313(c)(2)

This is a decision on the petition under 37 CFR 1.313(c)(2), filed April 24, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on March 25, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 2622 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

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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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COMMISSIONER FOR PATENTS
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ALEXANDRIA, VA 22313-1450
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Martin Moynihan
c/o ANTHONY CASTORINA
SUITE 207
2001 JEFFERSON DAVIS HIGHWAY
ARLINGTON VA 22202

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AUG 2 4 2007

OFFICE OF PETITIONS

In re Application of	:	
Tamar Lotan	:	DECISION ON PETITION
Application No. 10/981,522	:	UNDER 37 CFR 1.78(a)(3)
Filed: November 5, 2004	:	and
Atty Docket No. 28409	:	UNDER 37 CFR 1.78(a)(6)
	:	

This is a decision on the PETITION TO ACCEPT AN UNINTENTIONALLY DELAYED CLAIM OF BENEFIT OF EARLIER FILING DATE AND CROSS-REFERENCES TO OTHER APPLICATIONS (37 CFR 1.78(a)(6)) filed July 30, 2007, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of priority to the prior-filed provisional application set forth in the concurrently-filed amendment. In light of the additional benefit claims set forth in the amendment, the petition is also 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 applications.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 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)(2)(ii) and 37 CFR 1.78(a)(5)(ii), respectively, and must be filed during the pendency of the nonprovisional application. In addition, the petition under 37 CFR § 1.78(a)(3) and 37 CFR § 1.78(a)(6), respectively, must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR § 1.78(a)(2)(i) and 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i), respectively, 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 37 CFR 1.78(a)(5)(ii), respectively, 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) and (a)(5)(iii).

Moreover, a final Office action was mailed in this application on November 29, 2006 (and a Notice of Appeal in response on May 29, 2007). On July 30, 2007, applicant submitted a Request for Continued Examination (RCE)(with fee and submission). The RCE is accepted for consideration of the amendment after mailing of a final Office action (and filing of a Notice of Appeal).

Additionally, this pending nonprovisional application was filed on November 5, 2004. Intermediate application No. 09/963,672[1] filed September 27, 2001, was filed within twelve months of the filing date of provisional application No. 60/235,910, which was filed on September 28, 2000 for which priority is claimed.

Given that the amendment submitted also included late benefit claims under 37 CFR 1.78(a)(3), petitioner's statement of unintentional delay is being construed to mean that the entire delay between the date the priority claim was due under both 1.78(a)(5)(ii) and 1.78(a)(2)(ii) and the priority claims were filed was unintentional. If this interpretation is incorrect, petitioner <u>must</u> notify the Office.

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[1] As provided in the amendment this pending nonprovisional application is a CIP of application No. 10/868,802, which is a DIV of application No. 10/406,202, which is a DIV of 09/963,672, which claims the benefit of 60/235,910.

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

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

Any questions concerning this matter may be directed to the undersigned at (571) 272-3219. 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 1657 for consideration by the examiner of the claim for benefit of priority under 35 U.S.C. §§ 120 and 119(e) of the prior-filed applications as set forth in the amendment filed July 30, 2007.

Nancy Johnson
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
10/981,522	11/05/2004	1657	950	28409	67	6

CONFIRMATION NO. 6836

CORRECTED FILING RECEIPT

OC000000025542068

Martin Moynihan
c/o ANTHONY CASTORINA
SUITE 207
2001 JEFFERSON DAVIS HIGHWAY
ARLINGTON, VA 22202

Date Mailed: 08/24/2007

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)

Tamar Lotan, Jordan Valley, ISRAEL;

Assignment For Published Patent Application

NanoCyte Inc.

Power of Attorney:

Martin Moynihan--40338

Domestic Priority data as claimed by applicant

This application is a CIP of 10/868,802 06/17/2004
which is a DIV of 10/406,202 04/04/2003 PAT 6,923,976
which is a DIV of 09/963,672 09/27/2001 PAT 6,613,344
which claims benefit of 60/235,910 09/28/2000

Foreign Applications

If Required, Foreign Filing License Granted: 12/11/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/981,522

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Sterile preparations and compositions including stinging capsules and methods of producing and using same

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 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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GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON, VA 20191

Mail Date: 04/20/2010

Applicant	: Johann Zand	: DECISION ON REQUEST FOR
Patent Number	: 7662246	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/981,526	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/05/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1292** 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 : 3/9/2010

TO SPE OF : ART UNIT 1795 (1700)

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/981,528 Patent No.: 7,652,128

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

Ernest C. White, LPE
Randolph Sq. Ste 9D62A
703-756-1590

Thank You For Your Assistance

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

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

SPE /Mark F. Huff/ **ART UNIT** 1795

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MINNEAPOLIS, MN 55440-1022

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MAY 19 2006

OFFICE OF PETITIONS

In re Application of	:
Frank J. Muench Jr.	:
Application No. 10/981,568	: DECISION DISMISSING
Filed: November 5, 2004	: PETITION
Attorney Docket No. 08215-524001	: UNDER 37 CFR 1.137(b)

This is a decision on the petition under 37 CFR 1.137(b), filed January 13, 2006 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 filed within TWO MONTHS from the mail date of this decision. Extensions of time are available pursuant to the provisions of 37 CFR 1.136(a).

A petition under 37 CFR 1.137(f) must be accompanied by:

(1) the reply which is met by the notification of such filing in a foreign country or under a multinational treaty;

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

(3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The petition fails to comply with item (1) above. More specifically, while notification has been given of the foreign

filing, the petition fails to state the date of such foreign filing. Accordingly, the date of foreign filing must be supplied in order to grant the revival of the instant application.

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

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

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

By Fax: (571) 273-8300

Any questions 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
United States Patent and Trademark Office
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P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

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OFFICE OF PETITIONS

In re Application of	:	
Muench	:	
Application No. 10/981,568	:	DECISION ON PETITION
Filed: November 5, 2004	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. 08215-524001	:	

This is a decision on the reconsideration petition under 37 CFR 1.137(b), filed June 2, 2006, 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 November 7, 2005. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

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

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

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

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of

such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date of December 28, 2006 accompanies this decision on petition.

A Notice of Allowability and a Notice of Allowance and Fee(s) Due were mailed in this case on May 24, 2006. However, in view of the nonpublication request filed with the application, the Notice of Allowance and Fee(s) Due mailed in this case did not require the submission of a publication fee. A publication fee is now required. Pursuant to petitioner's authorization, a $300.00 publication fee will be charged to deposit account no. 06-1050.

If pre-grant publication of the application does not occur, applicant may file a request for refund after the patent issues. See 37 CFR 1.211(e).

Questions relating to the pre-grant publication fee should be directed to the patent publication hotline at (703) 605-4283 or by e-mail to pgpub@uspto.gov.

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

This application is being forwarded to Publications Division.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/981,568	11/05/2004	Frank J. Muench JR.	08215-524001

CONFIRMATION NO. 6977

26171
FISH & RICHARDSON P.C.
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

Date Mailed: 09/15/2006

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

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 12/28/2006.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"[1] then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282. Questions regarding publications of patent applications should be directed to the patent application publication hotline at (703) 605-4283 or by e-mail pgpub@uspto.gov.

[1] Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

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NOV 01 2006
OFFICE OF PETITIONS

DLA Piper Rudnick Gray Cary US LLP
P.O. Box 9271
Reston, VA 20195

In re Application of	:	
Bikash Koley et al.	:	
Application No. 10/981,572	:	DECISION ON PETITION
Filed: November 5, 2004	:	TO WITHDRAW
Attorney Docket No. 306717-P0001	:	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 19, 2006.

The request is **APPROVED**.

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

The request was signed by Lisa K. Norton on behalf of all attorneys of record who are associated with Customer No. 47604.

All attorneys/agents associated with the Customer No. 47604 have been withdrawn.

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

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

There is no outstanding Office action at this time.

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

Terri Williams for

David Bucci
Petitions Examiner
Office of Petitions

cc: **Bikash Koley**
7278 Mandan Road
Greenbelt, MD 20770

cc: **Mr. Ok Rae Cho**
5914 Trumpet Sound Court
Clarksville, MD 21029

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	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/981,572	11/05/2004	Bikash Koley	306717-P0001

CONFIRMATION NO. 6975

OC000000021033614

OC000000021033614

47604
DLA PIPER RUDNICK GRAY CARY US LLP
P. O. BOX 9271
RESTON, VA 20195

Date Mailed: 10/30/2006

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/19/2006.

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

Terri S. Williams

TERRI S WILLIAMS
OP (571) 272-2991

FORMER ATTORNEY/AGENT COPY

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

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NOV 22 2005

OFFICE OF PETITIONS

In re Application of	:
Yutaka Matsunobu et al	:
Application No. 10/981,596	: DECISION GRANTING PETITION
Filed: November 5, 2004	: UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 056203.51559C1	:

This is a decision on the petition, filed November 15, 2005, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on October 21, 2005 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This matter is being referred to Technology Center AU 2834 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the 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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YOUNG & THOMPSON
209 Madison Street
Suite 500
Alexandria, VA 22314

Mail Date: 04/20/2010

Applicant	: Alain Leonard	: DECISION ON REQUEST FOR
Patent Number	: 7588603	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/981,603	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/05/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1233** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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SUGHRUE, MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W,
SUITE 800
WASHINGTON DC 20037

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APR 16 2007

OFFICE OF PETITIONS

ON PETITION

In re Application of	:	
Peter Steinmill	:	
Application No. 10/981,604	:	
Filed: November 5, 2004	:	
Attorney Docket No. Q84520	:	

This is a decision on the petition, filed April 9, 2007, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

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

Petitioner is advised that the issue fee paid on March 13, 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 2858 will consider the request for continued examination under 37 CFR 1.114.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

---

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

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RABIN & Berdo, PC
1101 14TH STREET, NW
SUITE 500
WASHINGTON, DC 20005

Mail Date: 04/21/2010

Applicant	: Nobuyuki Nakamura	: DECISION ON REQUEST FOR
Patent Number	: 7664032	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/981,630	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/05/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1503** 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 : October 24, 2006

TO SPE OF : ART UNIT 1653

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/981632 patent No.: 7,091,008 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**.

Magdalene Talley

Certificates of Correction Branch

703-308-9390 ext. 116

Thank You For Your Assistance

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

Note your decision on the appropriate box.

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

Comments: _____

SPE

1657

Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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FITZPATRICK CELLA
HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK NY 10112

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JUN 22 2009

OFFICE OF PETITIONS

In re Application of :
Miyake :
Application No. 10/981,669 : DECISION
Filed/Deposited: 5 November, 2004 :
Attorney Docket No. 03560.002849.2 :

This is a decision on the petition filed on 2 June, 2009, and thereafter supplemented, and considered as a petition under 37 C.F.R. §1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition under 37 C.F.R. §1.181 is **GRANTED**.

As to the Request to Withdraw
the Holding of Abandonment

Petitioners' attentions always are directed to the Commentary at MPEP §711.03(c)(I) for guidance as to the proper showing and timeliness requirements for relief under 37 C.F.R. §1.181.

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the non-final Office action (copy enclosed) mailed on 15 October, 2007, with reply due absent extension of time on or before 15 January, 2008.

The application went abandoned by operation of law after midnight 15 January, 2008.

The Office mailed a Notice of Abandonment on 4 May, 2009.

On 2 June, 2009, Petitioner filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.181 seeking withdrawal of the holding of abandonment and indicating the basis of the averment as non-

receipt of the Office action, and pointed to the presence in Private PAIR of the Office action as returned mail. Thereafter, Petitioner supplemented the petition with the documentary evidence and statements required as set forth in the guidance in the Commentary at MPEP §711.03(c)(I)). To this end, all Petitioners' attentions are directed to the guidance in the Commentary at MPEP §711.03(c)(I)) generally to satisfy the mandated showings pursuant to 37 C.F.R. §1.181:

***

> The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.
>
> Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.
>
> A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.[1]

***

Out of an abundance of caution, Petitioners always are reminded that the filing of a petition under 37 C.F.R. §1.181 does not toll any periods that may be running any action by the Office and a petition seeking relief under the regulation must be filed within two (2) months of the act complained of (*see*: 37 C.F.R. §1.181(f)), and those registered to practice and all others who make representations before the Office **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]

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[1] *See*: MPEP §711.03(c) (I)(A).

[2] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on Petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See.Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

STATUTES, REGULATIONS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994). And the regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application.[3],[4]

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.[5]

Moreover, the Office has set forth in the Commentary at MPEP §711.03(c)(I) the showing and timeliness requirements for a proper showing for relief under 37 C.F.R. §1.181 in these matters.

---

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

[4] The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition. (Therefore, by example, an unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal Service, but due to catastrophic accident, the delivery is not made.) Delays in responding properly raise the question whether delays are unavoidable. Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) And the Petitioner must be diligent in attending to the matter. Failure to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care. (By contrast, unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.))

[5] 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).

Allegations as to the Request to
Withdraw the Holding of Abandonment

The guidance in the Commentary at MPEP §711.03(c)(I) specifies the showing required and how and when it is to be made and supported.

Petitioner appears to have made the showing required within the time required.

CONCLUSION

Accordingly, the petition under 37 C.F.R. §1.181 is **granted**—the 4 May, 2009, Notice of Abandonment is **vacated**.

The instant application is released to Technology Center/AU 2625 for further processing in due course—to include the re-mailing of the 15 October, 2007, Office action.

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[6]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

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

---

[6] The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
10/981,669	11/05/2004	Nobutaka Miyake	03560.002849.2	8860

5514 7590 10/15/2007
FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER
TRAN, DOUGLAS Q

ART UNIT	PAPER NUMBER
2625	

MAIL DATE	DELIVERY MODE
10/15/2007	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.

Office Action Summary	Application No.	Applicant(s)	
	10/981,669	MIYAKE, NOBUTAKA	
	Examiner	Art Unit	
	Douglas Q. Tran	2625	

-- 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 *11/05/04*.

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) *1* 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) *1* 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 *11/05/04* 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. 09/900,033.

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.

DOUGLAS Q. TRAN
PRIMARY EXAMINER

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 *11/05/04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Double Patenting

1. A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

2. Claim 1 is rejected under 35 U.S.C. 101 as claiming the same invention as that of claim 1 of prior U.S. Patent No. 6,909,524 B2. This is a double patenting rejection.

As to claim 1 of this application teaches that "an image processor unit for adding predetermined information to an image, comprising: input means for inputting the image; a plurality of quantization-threshold setting means, of which occurrence probability distributions are different from one another, for setting quantization thresholds in terms of probability; control means for controlling a regularity for selection of said plurality of quantization-threshold setting means in units of a predetermined image region according to the predetermined information; and

quantizing means that uses quantization thresholds set by said quantization- threshold setting means and thereby quantizes the image according to an error spreading method".

As to claim 1 of prior U.S. Patent No. 6,909,524 B2 teaches that "an image processor unit for adding predetermined information to an image, comprising: input means for inputting the image; a plurality of quantization-threshold setting means, of which occurrence probability distributions are different from one another, for setting quantization thresholds in terms of probability; control means for controlling a regularity for selection of said plurality of quantization-threshold setting means in units of a predetermined image region according to the predetermined information; and quantizing means that uses quantization thresholds set by said quantization- threshold setting means and thereby quantizes the image according to an error diffusion method".

Therefore, claim 1 of this application is identical to claim 1 of prior U.S. Patent No. 6,909,524 B2. Although the words of " an error spreading method" from a bottom of claim 1 of this application (10/981,669) and the words of " an error diffusion method" from a bottom of claim 1 of prior U.S. Patent No. 6,909,524 B2 are different words, they are the identical type of methods.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas Q. Tran whose telephone number is (571) 272-7442.

Oct. 11, 2007

DOUGLAS Q. TRAN
PRIMARY EXAMINER
Tranlout

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.
10/981,709	11/05/2004	Taku Takahama	NS-US045171	1485

22919 7590 05/14/2008
GLOBAL IP COUNSELORS, LLP
1233 20TH STREET, NW, SUITE 700
WASHINGTON, DC 20036-2680

EXAMINER
LOUIE, WAE LENNY

ART UNIT	PAPER NUMBER
3661	

MAIL DATE	DELIVERY MODE
05/14/2008	PAPER

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

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

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United States Patent and Trademark Office
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MAY 14 2008

TECHNOLOGY CENTER 3600

GLOBAL IP COUNSELORS, LLP
1233 20TH STREET, NW, SUITE 700
WASHINGTON, DC 20036-2680

In re Application of
Taku Takahama et al.
Application No. 10/981,709
Filed: November 5, 2004
Attorney Docket No.: NS-US045171
For: **VEHICLE IMAGE PROCESSING DEVICE**

DECISION ON PETITION UNDER 37 CFR §1.181

This is a decision on applicants' petition under 37 CFR 1.181 filed January 15, 2008 requesting withdrawal of the finality of the Office action mailed November 16, 2007.

The petition is **DISMISSED as MOOT.**

A review of the file record indicates that the Office action of November 16, 2007 was marked as Final on the PTO-326. However, the Office action does not include the form paragraphs for final rejections, and it appears that the examiner actually intended the Office action to be non-final, as noted by the examiner in the Interview Summary dated February 12, 2008 in which the finality of the Office action was indicated as being removed. A further review of the file record indicates subsequent to the Interview Summary, a non-final Office action was mailed April 25, 2008.

Any inquiry regarding this decision should be directed to Thomas Black, Supervisory Patent Examiner, at (571) 272-6956.

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

DH/tb: 05/08/08
TR

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Paper No. 052705

PETER GIBSON
6320 GREENSPRING AVE., SUITE 304
BALTIMORE MD 21209

AUG 17 2005

In re Application of	:	
MICHAEL HU	:	DECISION ON PETITION
Application No. 10/981,717	:	
Filed: November 05, 2004	:	
Attorney Docket No. 53373	:	

This is a decision on the petition under 37 C.F.R. § 1.102, filed May 23, 2005 to make the above-identified application special.

The petition requests that the above-identified application be made special under the accelerated examination procedure set forth in the Manual of Patent Examining Procedure (M.P.E.P.), Section 708.02, Item VIII: Accelerated Examination.

The petition complies with M.P.E.P. § 708.02, Item VIII: Accelerated Examination, in that it is accompanied by (a) a check covering the required petition fee of $130.00, (b) a statement that all claims are directed to a single invention or an offer to make an oral election without traverse should the Patent and Trademark Office hold that the claims are not directed to a single invention, (c) a statement that a pre-examination search has been made by the inventor, attorney, agent, or professional searchers, etc., the field of search was also provided, (d) one copy of each of the references deemed most closely related to the subject matter encompassed by the claims, and (e) a detailed description of the submitted references and discussions pointing out how the claimed subject matter distinguishes over these references.

For the above stated reasons, the petition is GRANTED.

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

If the examiner can make this application special without prejudice to any possible interfering applications, and he/she should make a rigid search for such, he/she is authorized to do so for the next action. Should the application be rejected, the application will not be considered special for the subsequent action unless the applicant promptly makes a bona fide effort to place the

application in condition for allowance, even if it is necessary to have an interview with the examiner to accomplish this purpose.

If the examiner finds any interfering application for the same subject matter, he/she should consider such application simultaneously with this application and should state in the official letter of such application that he/she is taking it out of its turn because of possible interference.

Should an appeal be taken in this application or should this application becomes involved in an interference, consideration of the appeal and the interference will be expedited by all Patent and Trademark Office officials concerned, contingent likewise upon diligent prosecution by the applicant.

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

The petition is granted to the extent indicated.

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

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

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MAY 15 2007

OFFICE OF PETITIONS

In re Application of
Michel Puech
Application No. 10/981,727
Filed: November 5, 2004
Attorney Docket No. 065691-0373

ON PETITION

This is a decision in response to the petition, filed January 23, 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 October 20, 2005. A Notice of Abandonment was mailed on August 10, 2006. In response, on January 23, 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) the requisite statement of unintentional delay.

The application is being referred to Technology Center AU 3768 for consideration of the amendment filed January 23, 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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SUITE 240
BETHESDA MD 20817

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In re Application of Wallin et al. Application No. 10/981,744 Filed: November 5, 2004 Attorney Docket No. 16240.M317 Title: METHOD OF FORMING A GLAZED DOOR, AND GLAZED DOOR	DECISION REFUSING STATUS UNDER 37 CFR 1.47(a)

This is in response to the petition filed March14, 2005, under 37 CFR. §1.47(a).

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

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR. §1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **Failure to respond will result in abandonment of the application**. Any extensions of time will be governed by 37 CFR. §1.136(a).

The above-identified application was filed on November 5, 2004, without an executed oath or declaration. Accordingly, on December 13, 2004, applicant was mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted," requiring for the purposes of this decision an executed oath or declaration in compliance with §1.63, and a surcharge for its late filing. This Notice set an extendable two-month period for reply of February 13, 2005.

In reply, applicant filed a petition, the surcharge for late filing of the declaration, and a partially executed declaration. The $2000.00 petition fee has been charged to deposit account 50-0548.

A grantable petition under 37 CFR. §1.47(a) requires: (1) proof that the non-signing

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

The instant petition does not satisfy requirements (1).

As to item (1), before a refusal can be alleged, applicant must demonstrate a bona fide attempt was made to present a copy of application papers (specification, including claims, drawings, and oath or declaration) to the non-signing inventor. See MPEP 409.03(d). Where an inventor cannot be located/reached as in the case of inventor Horsfall, rule 47 applicant must demonstrate diligent effort was made to find or reach the non-signing inventor. See MPEP 409.03(d). Paragraph nine of the petition indicates that the non-signing inventor moved and his whereabouts are unknown. It is not sufficient to send the application papers to the last known address where it is known the non-signing inventor does not reside and there is no indication the mail will be forwarded to a current address.

Instead, rule 47 applicant must demonstrate that diligent effort has been used to locate inventor Horsfall. The statements made in the petition do not illustrate "diligent effort" was used to locate the non-signing inventor. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included in a statement of facts. It is important that the statement contain facts as opposed to conclusions. Petitioner should present a signed statement of facts from a person that has first hand knowledge of the diligent efforts made to locate the non-signing inventor. The steps that Mr. Paxton may have taken to locate the non-signing inventor should be provided if appropriate.

If inventor Horsfall's address is located a copy of the application papers (specification, including claims, drawings, and oath or declaration) should be mailed to the inventor's mailing address. A supplemental declaration or an application data sheet pursuant to 37 CFR 1.76 may be required if a new address for inventor Horsfall is located.

It is noted that one version of the declaration submitted has been improperly executed by a representative of the assignee. An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the available joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated. The assignee execution of a declaration is appropriate where there are no inventors signing the declaration. See MPEP 409.03 (a) and (b).

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

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

By facsimile: (703) 872-9306

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

Charlema R. Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PETITIONS

BERENATO, WHITE & STAVISH, LLC
6550 ROCK SPRING DRIVE
SUITE 240
BETHESDA MD 20817

In re Application of David Paxson, Andrew Horsfall and Michael James Teal Application No.10/981,744 Filed: November 5, 2004 Attorney Docket No. 16240.M317 Title of Invention: METHOD OF FORMING A GLAZED DOOR, AND GLAZED DOOR	DECISION GRANTING STATUS UNDER 37 CFR 1.47(A)

This is in response to the renewed petition under 37 CFR 1.47(a) filed June 15, 2005 .

The petition is GRANTED.

Petitioner has shown that non-signing inventor Horsfall has refused to join in the filing of the above-identified application after having been presented with the application papers. Sufficient evidence has been presented to establish that non-signing inventor refuses to execute the application papers.

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

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

After this decision is mailed, the application will be forwarded to the Office of Initial Patent Examination for further processing.

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

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

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AUG 1 8 2005

OFFICE OF PETITIONS

Andrew Horsfall
33 Eaton Square
Middletown Leeds, United Kingdom
Airmail

In re Application of
David Paxson, Andrew Horsfall and Michael James Teal
Application No.10/981,744
Filed: November 5, 2004
Attorney Docket No. 16240.M317
Title of Invention: METHOD OF FORMING A GLAZED DOOR, AND GLAZED DOOR

LETTER

Dear Mr. Horsfall:

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

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

Telephone inquiries regarding this communication should be directed to Petitions Attorney Charlema R. Grant at (571) 272-3215. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Charlema R. Grant
Petitions Attorney
Office of Petitions

William C. Schrot

BERENATO, WHITE & STAVISH, LLC
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SUITE 240
BETHESDA MD 20817

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LITMAN LAW OFFICES, LTD
PO BOX 15035
CRYSTAL CITY STATION
ARLINGTON VA 22215

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JUL 0 5 2006

OFFICE OF PETITIONS

In re Application of	:	
Clancey, Francis C.	:	
Application No. 10/981,793	:	ON PETITION
Filed: November 5, 2004	:	
Attorney Docket No. 20210.02	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 5, 2004, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement from the applicant, Francis C. Clancey. 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 3623 for action on the merits commensurate with this decision.

Liana Chase
Petitions Examiner
Office of Petitions

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STEVEN A. NIELSEN
ALLMAN & NIELSEN, P.C.
100 LARKSPUR LANDING CIRCLE
SUITE 212
LARKSPUR CA 94939

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SEP 30 2009

OFFICE OF PETITIONS

In re Application of	:	
Regina Robert Proctor	:	
Application No. 10/981,806	:	DECISION ON PETITION
Filed: November 5, 2004	:	
Attorney Docket No. Proctor101N	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 21, 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 11, 2007, is accepted as having been unintentionally delayed.

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

This application is being referred to Technology Center AU 2166 for appropriate action by the Examiner in the normal course of business on the reply received July 21, 2009.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

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

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OFFICE OF PETITIONS

In re Application of	:	
ZUCHERMAN, James F. et al.	:	
Application No. 10/981,807	:	DECISION ON PETITION
Filed: November 05, 2004	:	TO WITHDRAW
Attorney Docket No. **31132.787**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 10, 2007.

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

A review of the file record indicates that the power of attorney to TOWNSEND AND TOWNSEND AND CREW, LLP has been revoked by the assignee of the patent application on January 07, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **HAYNES AND BOONE, LLP**
901 MAIN STREET
SUITE 3100
DALLAS TX 75202

UNITED STATES PATENT AND TRADEMARK OFFICE

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RATNERPRESTIA
P.O. BOX 980
VALLEY FORGE, PA 19482

Mail Date: 04/21/2010

Applicant	: Michael Choi	: DECISION ON REQUEST FOR
Patent Number	: 7634390	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/981,812	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/05/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1122** 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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RATNERPRESTIA
P.O. BOX 980
VALLEY FORGE, PA 19482

Mail Date: 05/18/2010

Applicant : Michael Choi
Patent Number : 7634390
Issue Date : 12/15/2009
Application No : 10/981,812
Filed : 11/05/2004

: 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 **1204** 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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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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LISA A. HAILE, J.D., PH.D.
GRAY CARY WARE & FREIDENRICH LLP
SUITE 1100
4365 EXECUTIVE DRIVE
SAN DIEGO CA 92121-2133

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MAY 07 2008

OFFICE OF PETITIONS

In re Application of	:	
T. Minh Vuong	:	
Application No. 10/981,821	:	DECISION GRANTING PETITION
Filed: November 5, 2004	:	UNDER 37 CFR 1.313(c)(3)
Attorney Docket No. AURO1410-4	:	

This is a decision on the petition under 37 CFR 1.313(c)(3), filed May 7, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

Petitioner requests that the above-identified application be withdrawn from issue for express abandonment in favor of continuing Application No. 12/115,503, filed May 5, 2008.

The application is hereby withdrawn from issue, and the abandonment is hereby recognized.

The power of attorney submitted with the petition on May 7, 2008 is not in compliance with 37 CFR 3.73(b). Additionally, Office records do not indicate a recorded assignment to Beckman Coulter, Inc., for the above application.

If the person signing the 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 petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

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

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

cc:

MORRISON & FOERSTER LLP
12531 HIGH BLUFF DRIVE, SUITE 100
SAN DIEGO, CA 92130

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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HALLIBURTON ENERGY SERVICES
P.O. BOX 819052
DALLAS TX 75381-9052

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JUN 26 2007

OFFICE OF PETITIONS

In re Application of	:	
Brezinski, et al.	:	
Application No. 10/981,822	:	DECISION ON PETITION
Filed: November 5, 2004	:	
Attorney Docket No. 2002-IP-007994U1D1	:	
(1391-35204		

This is a decision on the petition under the unintentional delay provisions of 37 CFR 1.137(b), filed December 21, 2006, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before December 1, 2006, as required by the Notice of Allowance and Fee(s) Due, mailed September 1, 2006. Accordingly, the date of abandonment of this application is December 2, 2006. A Notice of Abandonment was mailed on April 9, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioners have supplied (1) the reply in the form of payment of the issue fee of $1,400.00 and the publication fee of $300.00, (2) the petition fee of $1,500.00; and (3) a proper statement of unintentional delay.

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

This application is being referred to Publishing Division for processing into a patent.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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MAY 15 2007

OFFICE OF PETITIONS

ENERGY CONVERSION DEVICES, INC.
2956 WATERVIEW DRIVE
ROCHESTER HILLS, MI 48309

In re Application of :
Patrick Klersy, et al. :
Application No. 10/981,826 : ON PETITION
Filed: November 5, 2004 :
Attorney Docket No. 2024.53 :

This is a decision in response to the petition, filed December 4, 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 February 21, 2006. A Notice of Abandonment was mailed on October 6, 2006. In response, on December 4, 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 2814 for consideration of the response filed December 4, 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

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Morrison & Foerster LLP
755 Page Mill Road
Palo Alto, CA 94304-1018

COPY MAILED

AUG 16 2006

OFFICE OF PETITIONS

In re Application of	:	
Mark A. Schena	:	
Application No. 10/981,829	:	DECISION ON PETITION
Filed: November 5, 2004	:	TO WITHDRAW
Attorney Docket No. 529492000101	:	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 & March 29, 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 Gladys H. Monroy on behalf of all attorneys of record.

All attorneys/agents have been withdrawn.

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

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

There is no outstanding Office action at this time.

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

David Buccic
Petitions Examiner
Office of Petitions

cc: Mark A. Schen
488 Gabilan Street
Los Altos, CA 94022

cc: Rene Schena
TeleChem International, Inc.
524 East Weddell Drive, Suite 3
Sunnyvale, CA 94089

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

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SEP 26 2007

OFFICE OF PETITIONS

In re Application of
Eric D. Veit, et al.
Application No. 10/981,830
Filed: November 5, 2004
Attorney Docket No. LFS5027US

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed May 3, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of November 1, 2006. This decision precedes the mailing of a Notice of Abandonment. On May 3, 2007, the present petition was filed. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2).

The present petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) under 37 CFR 1.114, including the fee of $790; (2) the petition fee of $1,500; and (3) an adequate statement of unintentional delay.

Extensions of time under 37 CFR 1.136 are available only if asked for prior to or with the response. In no case, however, may an applicant respond later than the maximum time period set by statute. Accordingly, if the question of abandonment arises when the provisions of 37 CFR 1.136 can no longer be used, then the application is abandoned when the unextended time for response has expired. Since, no extension of time fees are due on a petition for revival, the $1,020 extension fees are being credited to counsel's deposit account.

This application is being referred to Technology Center AU 3763 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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

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MAR 1 4 2008

OFFICE OF PETITIONS

In re Application of	:	
James F. Zucherman et al.	:	
Application No. 10/981,863	:	DECISION ON PETITION
Filed: November 5, 2004	:	TO WITHDRAW
Attorney Docket No. 31132.790	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 10, 2007.

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

A review of the file record indicates that the power of attorney to Townsend and Townsend and Crew, LLP has been revoked by the assignee of the patent application on January 14, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Haynes and Boone, LLP**
901 Main Street
Suite 3100
Dallas, TX 75202

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: 20071004

DATE : September 27,2007

TO SPE OF : ART UNIT 3735

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/981,872 Patent No.: 7258666 B2

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

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

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

DO NOT SENT TO ATTORNEY

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

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

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

Thank You For Your Assistance

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

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

Comments: _____

Charles Marmor, II — **SPE**

3735 — **Art Unit**

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : March 2, 2007

TO SPE OF : ART UNIT 2873

SUBJECT : Request for Certificate of Correction on Patent No.: 7128427 B2

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

Please complete this form and return with file, within 7 days to:
Palm location **7580, Certificates of Correction Branch – South Tower – 9A22**
If response is for an IFW, **return to employee (named below) via PUBSCofC Team in MADRAS.**
With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction (COCIN)? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Elisha Evans
Certificates of Correction Branch
Tel. No. 703-308-9390 EXT 110

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

☒ **Approved** 3-18-07 — **All** changes apply.

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

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

Comments:

RICKY MACK
SUPERVISORY PATENT EXAMINER

SPE

2873
Art Unit

OIPE IAP27
JAN 31 2007
PATENT & TRADEMARK OFFICE

10/981884

Copc

FULBRIGHT & JAWORSKI L.L.P.
A REGISTERED LIMITED LIABILITY PARTNERSHIP
600 CONGRESS AVENUE, SUITE 2400
AUSTIN, TEXAS 78701-3271
WWW.FULBRIGHT.COM

DAVID D. BAHLER
PARTNER
DBAHLER@FULBRIGHT.COM

DIRECT DIAL: (512) 536-3005
TELEPHONE: (512) 474-5201
FACSIMILE: (512) 536-4598

January 29, 2007

FILE: SEMB:009US / 10409534

APPROVED
3-18-07

CERTIFICATE OF MAILING
37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the date below:

January 29, 2007
Date David D. Bahler

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Certificate
FEB 02 2007
of Correction

RE: *Request for Certificate of Correction*
Patent No. 7,128,427
Dated: October 31, 2006
Entitled: "METHOD AND APPARATUS FOR FLUID HANDLING IN IMMERSION LITHOGRAPHY" (Client Ref.: P04-20)
Inventor(s): Van Peski et al.

Commissioner:

Enclosed are two originals of the form PTO-1050 and a check for $100.00. Errors of a minor nature are thereon corrected. The errors in claim 28, column 8, line 12 are due to Patent Office oversights. The remaining errors are Applicants'. A Certificate of Correction is requested under 35 U.S.C. § 255. Should any additional fee under 37 C.F.R. § 1.20(a) be required for any reason, the Commissioner is authorized to deduct said fee from Fulbright & Jaworski L.L.P. Account No.: 50-1212/SEMB:009US/DDB.

Respectfully submitted,

David D. Bahler
Reg. No. 30,932

01/31/2007 EAYALEW1 00000062 7128427
01 FC:1811 100.00 OP

DDB/lak
Enclosure

FEB - 6 2007

25740193.1

UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICE

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
10/981889	11/05/04	MEYER-FREDHOLM, MICHELE M.L.	SP01-097D

CORNING INCORPORATED
SP-T1-3-1
CORNING NY 14831

EXAMINER	
HITESHEW, FELISA	
ART UNIT	PAPER NUMBER
1722	

DATE MAILED:

NOTICE OF RESCINDED ABANDONMENT

☐ **In response to your communication filed** 8/10/07

☒ **Through inadvertence, a Notice of Abandonment was mailed in the above-identified application. The Notice of Abandonment is hereby rescinded.**

FOR

Manager, Publications Division
Office of Patent Publication
571-272-4200

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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JOHN T. MCNELI
FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW, CA 94041

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NOV 09 2006

OFFICE OF PETITIONS

In re Application of	:	
Balraj Singh, et al.	:	
Application No. 10/981,900	:	DECISION ON REQUEST
Filed: November 4, 2004	:	TO WITHDRAW
Attorney Docket No. 22353-09564	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR §1.36(b), filed August 19, 2005.

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

A review of the file record indicates that the power of attorney to John T. McNeli and all the other attorneys/agents associated with Customer Number 00758 was revoked by the assignee of the patent application on September 23, 2005. 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 the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: SHUMAKER & SIEFFERT, P. A.
8425 SEASONS PARKWAY
SUITE 105
ST. PAUL, MN 55125

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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BRYAN CAVE LLP
211 NORTH BROADWAY
SUITE 3600
ST. LOUIS MO 63102-2750

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DEC 15 2006
OFFICE OF PETITIONS

In re Application of	:	
Steven J, Rychnovsky	:	
Application No. 10/981,911	:	DECISION ON PETITION
Filed: November 4, 2004	:	TO WITHDRAW
Attorney Docket No. 0120103	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed October 24, 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 Lucinda A. Althauser on behalf of all attorneys of record who are associated with customer No. 49328.

All attorneys/agents associated with the Customer Number 49328 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 July 11, 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: STEVEN J. RYCHNOVSHY
7408 HOLLASTER AVENUE
SANTA BARBARA, CA 93117

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/981,911	11/04/2004	Steven J. Rychnovsky	0120103

CONFIRMATION NO. 8693

OC000000021593564

OC000000021593564

49328
BRYAN CAVE LLP
211 NORTH BROADWAY
SUITE 3600
ST. LOUIS, MO 63102-2750

Date Mailed: 12/13/2006

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/24/2006.

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

April M Wise

APRIL M WISE
OP (571) 272-1642

FORMER ATTORNEY/AGENT COPY

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 5/20/08

Paper No.: ___

TO SPE OF : ART UNIT 3611

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/981912 Patent No: 7165637 B2

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

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

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

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

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

VIRGINIA TOLBERT
Certificates of Correction Branch
703-308-9390 ext. 113

Thank You For Your Assistance

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

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

Comments: _____

APPROVED

/Paul N. Dickson/ — **SPE**

3611 — **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Townsend and Townsend and Crew, LLP
Two Embarcadero Center
Eighth Floor
San Francisco, CA 94111-3834

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MAR 13 2008

OFFICE OF PETITIONS

In re Application of	:	
James F. Zucherman et al.	:	
Application No. 10/981,923	:	DECISION ON PETITION
Filed: November 5, 2004	:	TO WITHDRAW
Attorney Docket No. 31132.774	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 10, 2007.

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

A review of the file record indicates that the power of attorney to Townsend and Townsend and Crew, LLP has been revoked by the assignee of the patent application on January 7, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Haynes and Boone, LLP**
901 Main Street
Suite 3100
Dallas, TX 75202

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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WOLF GREENFIELD (Microsoft Corporation)
C/O WOLF GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON, MA 02210-2206

MAILED

JUN 0 2 2009

OFFICE OF PETITIONS

In re Application of :
Kenneth H. Abbott et al :
Application No. 10/981,941 : ON PETITION
Filed: November 5, 2004 :
Attorney Docket No. 890057.419C2

This is a decision on the petition, filed May 29, 2009 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

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

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

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

This matter is being referred to Technology Center AU 2173 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

---

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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Two Embarcadero Center
Eighth Floor
San Francisco, CA 94111-3834

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MAY 12 2008

In re Application of	:	
James F. Zucherman et al.	:	
Application No. 10/981,945	:	DECISION ON PETITION
Filed: November 5, 2004	:	TO WITHDRAW
Attorney Docket No. 19433A-008510US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 10, 2007.

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

A review of the file record indicates that the power of attorney to Mark D. Barrish and all attorneys/agents associated with customer number 20350 has been revoked by the assignee of the patent application on February 22, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Haynes and Boone, LLP
901 Main Street
Suite 3100
Dallas, TX 75202

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United States Patent and Trademark Office
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ROBERT SAMUEL SMITH
1263 EMORY ST
SAN JOSE, CA 95126

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JUN 01 2007

OFFICE OF PETITIONS

ON PETITION

In re Application of	:	
Simon T. Maung et al	:	
Application No. 10/981,955	:	
Filed: November 5, 2004	:	
Attorney Docket No. RSGL	:	

This is a decision on the petition under 37 CFR 1.137(b), filed November 29, 2006, to revive the above-identified application.

The petition is **GRANTED**.

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

This matter is being referred to Technology Center AU 3679 for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

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Alexandria, VA 22313-1450
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WOODCOCK WASHBURN LLP
ONE LIBERTY PLACE – 46TH FLOOR
PHILADELPHIA PA 19103

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JUL 10 2006

OFFICE OF PETITIONS

In re Application of	:	
Kenji C. Obata et al	:	
Application No. 10/981,962	:	DECISION ON PETITION
Filed: November 5, 2004	:	TO WITHDRAW
Attorney Docket No. MSFT124375	:	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 10, 2005.

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

A review of the file record indicates that the power of attorney to Steven J. Rocci, along with all of the other attorneys of record upon filing of the above application has been revoked by the assignee of the patent application on February 22, 2005. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

This application is being referred to Technology Center AU 2178 to await a reply to the Non-final rejection mailed April 5, 2006.

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

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

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Commissioner for Patents
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PERKINS COIE LLP
P.O. BOX 2168
MENLO PARK, CA 94026

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OFFICE OF PETITIONS

In re Application of	:	
Ronald M. Jones	:	
Application No. 10/981,981	:	DECISION ON PETITION
Filed: November 4, 2004	:	TO WITHDRAW
Attorney Docket No. 52325-8020.US00	:	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 26, 2008.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Perkins Coie, LLP has been revoked by the assignee of the patent application on April 18, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

Telephone inquires concerning this decision should be directed to undersigned at 571-272- 1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: WILSON, SONSINI GOODRICH & ROASTI
C/O MAYA SKUGATCH
650 PAGE MILL ROAD
PALO ALTO, CA 94304

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

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MAY 04 2009

OFFICE OF PETITIONS

In re Application of	:	
Jeff MA, et al	:	
Application No. 10/981,991	:	DECISION ON PETITION
Filed: November 5, 2004	:	TO WITHDRAW
Attorney Docket No. 022234-000100US	:	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 8, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Cathy E. Cretsinger on behalf of the attorneys of record associated with Customer No. 20350.

The attorneys of record associated with Customer No. 20350 have been withdrawn.

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

The correspondence address of record has been changed and the new correspondence address is the address indicated below until otherwise properly notified by the applicant.

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

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: FASTMOTO, LLC
53 WOODHILL DRIVE
REDWOOD CITY, CA 94301

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OFFICE OF PETITIONS

ACCENTURE CHICAGO 28164
BRINKS HOFER GILSON & LIONE
P O BOX 10395
CHICAGO IL 60610

In re Application of
Kelly L. Dempski et al.
Application No. 10/981,994
Filed: November 5, 2004
Attorney Docket No. 10022/499

REQUEST REGARDING
PATENT TERM ADJUSTMENT

This letter is in response to the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT PURSUANT TO 37 CFR § 1.705(b)", filed December 21, 2009. Applicants request that the initial determination of patent term adjustment under 35 U.S.C. 154(b) be corrected from 308 days to 399 days.

The request for reconsideration of the patent term adjustment indicated on the patent is **DISMISSED**.

On September 28, 2009, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment (PTA) to date is three hundred eight days. On December 21, 2009, applicants timely[1] submitted the instant application for patent term adjustment (with required fee), asserting that the correct number of days of PTA at the time of the mailing of the Notice of Allowance is three hundred ninety-nine **(399)** days. Applicants dispute the reduction of ninety-one (91) days attributed to applicant for failing to respond within three months to the Final Office Action mailed July 23, 2007.

The Office initially determined a patent term adjustment of three hundred eight (308) days based on an adjustment for PTO delay of three hundred ninety-nine (399) days pursuant to 35 U.S.C. 154(b)(1)(A)(i) and 37 C.F.R. § 1.703(a)(1) reduced by applicants' delay of ninety-one (91) days pursuant to 35 U.S.C. 154(b)(2)(C)(ii) and 37 C.F.R. § 1.704(b). The adjustment of 399 days has been reviewed and found to be correct. The reduction of ninety-one (91) days of applicant delay is at issue.

---

[1] PALM records indicate that the Issue Fee was received in the Office on July 2, 2009.

Applicants argue that a response to a Final Rejection mailed on July 23, 2007 was timely filed with the U.S. Patent and Trademark office on September 21, 2007 and thus no delay should have been attributed to the Applicant based on the response. Applicants argue further that no Advisory Action addressing the merits of the Response to Office Action was mailed until January 15, 2008. During the time from the filing of the Response to Office Action to the mailing of the Advisory Action, through no fault of the Applicant, "Applicant Delay" was assessed, reducing the period of adjustment pursuant 37 CFR § 1.704(b).

37 CFR 1.704(b) provides that:

> With respect to the grounds for adjustment set forth in §§ 1.702(a) through (e), and in particular the ground of adjustment set forth in § 1.702(b), an applicant shall be deemed to have failed to engage in reasonable efforts to conclude processing or examination of an application for the **cumulative total of any periods of time in excess of three months** that are taken to reply to any notice or action by the Office making any rejection, objection, argument, or other request, measuring such three-month period from the date the notice or action was mailed or given to the applicant, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date that is three months after the date of mailing or transmission of the Office communication notifying the applicant of the rejection, objection, argument, or other request and ending on the date the reply was filed. The period, or shortened statutory period, for reply that is set in the Office action or notice has no effect on the three-month period set forth in this paragraph.

In this instance, applicants did fail to engage in reasonable efforts to conclude processing of the application by failing to reply to the Final Office Action mailed July 23, 2007 within the three-month period provided for in 37 CFR 1.704(b). As the amendment filed September 21, 2007 did not place the application in condition for allowance, the period for reply to the final rejection continued to run. (See Advisory Action mailed January 15, 2008). The proper reply, a Request for Continued Examination and an amendment as the submission under 37 CFR 1.114 was not received in the Office until January 22, 2008. Pursuant to § 1.704(b), the patent term adjustment is reduced by 91 days for applicant delay from October 23, 2007 to January 22, 2008, the date of filing of the reply to the Final Rejection.

The patent term adjustment of 308 days indicated on the patent is correct. The application was entitled to a patent term adjustment of 399 days for Office delay within the meaning of §§ 1.702(a)(1) and pursuant to 37 CFR 1.704(b) a reduction of 91 days for applicant delay.

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 Patricia Faison-Ball at (571) 272-3212.

/Kery A. Fries/

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

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Date Mailed : 12/17/08

Patent No. : 7385604 B1
Inventor : BASTOS, RUI M.
Patent Issued : 06/10/08
Docket No. : **NVDA P001387**

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 file of the application for the patent reveals that in column 10, line 53 is printed in accordance with the record (no fee or authorization to charge fee). **"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

PATTERSON & SHERIDAN L.L.P. NJ Office
595 SHREWSBURY AVE, STE 100
FIRST FLOOR
SHREWSBURY NJ 07702

Lmn

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/982,002	11/04/2004	Jeff M. Anderson	1939.049US1	7211

7590 03/16/2009
SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS, MN 55402

EXAMINER
RECEK, JASON D

ART UNIT	PAPER NUMBER
2442	

MAIL DATE	DELIVERY MODE
03/16/2009	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
2. ☒ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☐ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management

FORM PET651D (Rev. 08/07)

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Janet Scgafer
Schafer Law Office
Torchwood Circle
New Brighton, MN 55112

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JUN 18 2007

OFFICE OF PETITIONS

In re Application of	:	
Bryan T. Johnson	:	
Application No. 10/982,007	:	DECISION ON PETITION
Filed: November 4, 2004	:	TO WITHDRAW
Attorney Docket No. 347.00030101	:	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 29, 2006.

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

A review of the file record indicates that the power of attorney to Scgafer Law Office has been revoked by the assignee of the patent application on February 9, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Mueting, Raasch & Gebhardt, P.A.**
P.O. Box 581415
Minneapolis, MN 55458

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

Mail Date: 04/21/2010

Applicant	: David Read Tarditi JR.	: DECISION ON REQUEST FOR
Patent Number	: 7598953	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/982,027	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/05/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1200** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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FROM DIRECTORS OFFICE

AUG 1 0 2005

TECHNOLOGY CENTER 3600

ATTN: Peter A. Shaddock II
Bowman Green Hampton & Kelly, PLLC
Suite 203
501 Independence Parkway
Chesapeake, VA 23320

In re application of : **DECISION ON PETITION**
Charles T. Kirk, et al. : **TO MAKE SPECIAL**
Application No. 10/982,037 : **(COUNTER TERRORISM)**
Filed: November 5, 2004
For: EMERGENCY ANTI-TORQUE THRUSTER SYSTEM

This is in response to the petition received on March 10, 2005 to make the above-identified application special on the basis of inventions for countering terrorism, as set forth in MPEP § 708.02, XI.

The requirements for granting special status under this section are: (A) a petition to make special accompanied by the fee set forth in 37 CFR 1.17(h); and (B) a statement explaining how the invention contributes to countering terrorism.

Applicant's invention is directed to an emergency anti-torque thruster system. The emergency anti-torque thruster system is capable of counteracting the torque of the main rotor blades of a helicopter that has experienced tail rotor malfunction or failure. The invention separately provides an emergency anti-torque thruster system, which provides a pilot with a system for providing anti-torque thrust to counteract the torque of the main rotor blades of a helicopter that has experienced tail rotor malfunction or failure while the pilot locates a landing spot and executes an emergency landing. Applicant's petition to make special includes, a statement by applicant's attorney, Mr. Peter Shaddock, explaining how the invention contributes to the countering of terrorism by providing a system for military and civilian aircraft sensors/security systems, which enhance the survivability of aircrafts.

Since all of the requirements for special status under MPEP § 708.02 XI have been met, the petition is **GRANTED**.

The examiner is directed (1) to make an interference search for possible interfering applications, (2) to promptly examine this application out of turn, and (3) if any interfering application is discovered, to examine such application simultaneously and state in the first official letter of such application that it is being taken out of turn because of a possible interference.

Petitioner is advised that this application will continue to be special, throughout its entire prosecution and pendency, including interference or appeal, if any, only if petitioner makes a prompt ***bona fide*** effort, in response to each Office action, to place the application in condition for allowance, even if it is necessary to conduct an interview with the examiner to accomplish this purpose.

SUMMARY: Petition to Make Special **GRANTED**.

Randolph A. Reese
Special Programs Examiner
Technology Center 3600
(571) 272-6619

RAR/mng: 07/11/05

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PO BOX 37428
RALEIGH NC 27627

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OFFICE OF PETITIONS

In re Application of

CAKIR, Halil I. et al.
Application No. 10/982,054
Filed: November 04, 2004
Attorney Docket No. **9500-2**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 24, 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 Elizabeth Stanek on behalf of all attorneys of record who are associated with customer No. 20792. All attorneys/agents associated with the Customer Number 20792 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Halil Cakir at the address indicated below. There is an outstanding Office action mailed February 12, 2009 that requires a reply from the applicant.

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

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **DR. HALIL I. CAKIR**
2100 LANGDON ROAD
RALEIGH NC 27604-3616

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SPRINT NEXTEL CORPORATION
6391 SPRINT PARKWAY
MAILSTOP: KSOPHT0101-Z2100
OVERLAND PARK, KS 66251-2100

Mail Date: 04/26/2010

Applicant	: Nagi Mansour	: DECISION ON REQUEST FOR
Patent Number	: 7633913	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 10/982,060	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/05/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1399** 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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7-13-07

wk

In re Application of	:	
McCourt	:	
Serial Number: 10/982,062	:	DECISION
Filed: November 5, 2004	:	ON
Underquilt with Multiple Layered Wool Fill	:	PETITION

This is in response to the request filed April 27, 2007, requesting permission for withdrawal as attorney from the above-identified application.

The Commissioner of Patents and Trademarks requires that there be at least 30 days between approval of 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). This is so that the applicant will have sufficient time to obtain other representation or take other action. If a period has been set for reply and the period may be extended without a showing of cause pursuant to 37 CFR 1.136(a) by filing a petition for extension of time and fee, the practitioner will not be required to seek such extension of time for withdrawal to be approved. In such a situation, however, withdrawal will not be approved unless at least 30 days would remain between the date of approval and the last date on which such a petition for extension of time and fee could properly be filed.

In this case there is less than thirty days between approval of withdrawal of the current attorney of record and the expiration date of a time response period.

The Request is **Denied**.

Jacqueline M. Stone for

Jacqueline Stone, Director
Technology Center 1700
Chemical and Materials Engineering

JAMES EARL LOWE, JR.
15417 W NATIONAL AVE # 300
NEW BERLIN WI 53151

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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
10/982,072	11/04/2004	1645	862	YPL-0110	14	24	2

CONFIRMATION NO. 2143

23413
CANTOR COLBURN, LLP
55 GRIFFIN ROAD SOUTH
BLOOMFIELD, CT 06002

FILING RECEIPT

OC000000016316892

Date Mailed: 06/17/2005

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

Hye-jung Cho, Anyang-si, KOREA, REPUBLIC OF;
Jeong-gun Lee, Gunpo-si, KOREA, REPUBLIC OF;

Power of Attorney: The patent practitioners associated with Customer Number **23413**.

Domestic Priority data as claimed by applicant

Foreign Applications

REPUBLIC OF KOREA 2004-882 01/07/2004

If Required, Foreign Filing License Granted: 04/05/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/982,072

Projected Publication Date: 09/29/2005

Non-Publication Request: No

Early Publication Request: No

Title

Device and method for printing biomolecules onto substrate using electrohydrodynamic effect

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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12-12-06

gm

In re application of	:	
Stuart Parkin	:	DECISION ON
Serial No. 10/982,075	:	PETITION
Filed: November 5, 2004	:	
For: Mg-Zn Oxide Tunnel Barriers and	:	
Method of Formation	:	

This is a decision on the PETITION UNDER 37 CFR 1.144 FROM REQUIREMENT FOR RESTRICTION filed November 1, 2006.

On February 28, 2006, a restriction requirement was made by the original examiner between two groups of claims, namely claims 1-25 and 58-65, to a method, and claims 36-57 to a structure. Applicant traversed the restriction requirement in a response filed March 28, 2006, whereupon a second examiner issued a new restriction requirement, including the same two groups of claims as above, and further including an election of species within the first group. Applicant again traversed the requirement in a response filed on July 14, 2006. The examiner made the requirement final in the office action September 22, 2005.

On November 1, 2006, the instant petition under 37 CFR 1.144 was filed to formally request the withdrawal of the restriction requirement as well as withdrawal of the election of species requirement.

Applicant's position for the withdrawal of the restriction requirement is that the examiner has not shown that the separate groups are distinct.

DECISION

Sections 803 and 806.05(f) of the MPEP state in part:

803 [R-3] Restriction — When Proper
Under the statute, the claims of an application may properly be required to be restricted to one of two or more claimed inventions only if they are able to support separate patents and they are either independent or distinct.

If the search and examination of all the claims in an application can be made without serious burden, the examiner must examine them on the merits, even though they include claims to independent or distinct inventions.

806.05(f) [R-3] Process of Making and Product Made
A process of making and a product made by the process can be shown to be distinct inventions if either or both of the following can be shown: (A) that the process as claimed is not an obvious process of making the product and the process as claimed can be used to make another materially different product; or (B) that the product as claimed can be made by another materially different process.
Allegations of different processes or products need not be documented.

If applicant convincingly traverses the requirement, the burden shifts to the examiner to document a viable alternative process or product, or withdraw the requirement.

In the restriction requirement of February 28, 2006, the first examiner took the position that the inventions were distinct because the product as claimed could be made by a different process "such as a process that does not require the step of annealing." As noted by applicant in the traversal of March 28, 2006, the claimed method itself does not require annealing, hence the reason advanced by the first examiner cannot be the basis for requiring restriction as the proposed different process is still within the scope of the method claims.

In the restriction requirement of June 15, 2006, the second examiner took the position that the inventions were distinct because the product as claimed could be made by a different process "such as a process that forms a magnesium-zinc oxide tunnel barrier without being in contact with the underlayer." As noted by applicant in the traversal of July 14, 2006, the claims all require a magnesium-zinc oxide tunnel barrier on or in contact with an underlayer, hence the reason advanced by the second examiner also cannot be the basis for requiring restriction as the proposed different process would not result in the claimed product.

In response to the traversal of the restriction requirement, the examiner failed to specifically address any of the arguments set forth by applicant. Instead, the examiner merely referred to the 'reasons on record.' Applicant has shifted the burden back to the examiner to show that the two different groups are distinct. The examiner has not met this burden.

Because the examiner has not shown that the groups of claims are distinct, the restriction requirement is not proper. Accordingly, the petition for withdrawal of the restriction requirement is **GRANTED.**

With respect to the election of species requirement, such election is permissible only between mutually exclusive species (MPEP 806.04(f)). Clearly, the species identified by the examiner are not mutually exclusive. For example, the alleged species of claim 8 is a combination of the alleged species of claims 2 and 6. Thus the alleged species of claims 2 and 6 cannot possibly be mutually exclusive. Likewise, the alleged species of claims 23 et al. is in no way mutually exclusive with the remaining alleged species.

Because the species identified by the examiner are not mutually exclusive, the election of species is not proper. Accordingly, the petition for withdrawal of the species election requirement is **GRANTED.**

In view of this decision, the application is being forwarded to the examiner to prepare a new non-final office action which includes examination and action on the merits of all the claims previously withdrawn from consideration due to the restriction and election of species requirement.

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

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

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SHANNON V MCCUE
RENNER KENNER GRIEVE BOBAK TAYLOR & WEBER
FIRST NATIONAL TOWER
FOURTH FLOOR
AKRON OH 44308

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AUG 24 2006
OFFICE OF PETITIONS

In re Application of	:	
Mark Shaw	:	
Application No. 10/982,085	:	ON PETITION
Filed: November 5, 2004	:	
Attorney Docket No. MPM.P0004	:	

This is a decision on the petition to revive under 37 CFR 1.137(b), pursuant to 37 CFR 1.137(f), filed April 20, 2006.

The petition is **GRANTED**.

Petitioner states that the instant application is the subject of an international application filed on November 5, 2005. However, the US Patent and Trademark Office was unintentionally not notified of this filings within 45 days subsequent to the filing of the PCT application.

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

A petition under 37 CFR 1.137(f) must be accompanied by:

(1) the reply, which is met by the notification of such filing in a foreign country or under a multinational treaty;

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

(3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

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

Receipt of the $750 petition fee is acknowledged.

A Communication Regarding Rescission of Nonpublication Request and/or Notice of Foreign Filing, indicating a projected publication date of November 30, 2006, is enclosed.

The application is being forwarded to Group Art Unit 3673 for docketing and examination in due course.

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

Cliff Congo
Petitions Attorney
Office of Petitions

Enc: Communication Regarding Rescission of Nonpublication Request and/or Notice of Foreign Filing (1 page)

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/982,085	11/05/2004	Mark Shaw	MPM.P0004

CONFIRMATION NO. 8250

Shannon V. McCue
Renner, Kenner, Greive, Bobak, Taylor & Weber
First National Tower
Fourth Floor
Akron, OH 44308

Date Mailed: 08/22/2006

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

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 11/30/2006.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"[1] then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282. Questions regarding publications of patent applications should be directed to the patent application publication hotline at (703) 605-4283 or by e-mail pgpub@uspto.gov.

[1] Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/982,085	11/05/2004	Mark Shaw	MPM.P0004

CONFIRMATION NO. 8250

Shannon V. McCue
Renner, Kenner, Greive, Bobak, Taylor & Weber
First National Tower
Fourth Floor
Akron, OH 44308

Date Mailed: 08/22/2006

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

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 11/30/2006.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"[1] then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282. Questions regarding publications of patent applications should be directed to the patent application publication hotline at (703) 605-4283 or by e-mail pgpub@uspto.gov.

[1] Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

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ARTZ & ARTZ PC
28333 TELEGRAPH RD
SUITE 250
SOUTHFIELD MI 48034

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APR 14 2005

OFFICE OF PETITIONS

In re Application of	:	
Ray F. Campbell	:	
Application No. 10/982,125	:	DECISION ON PETITION
Filed: November 5, 2004	:	
Attorney Docket No. BOE 0512 PA	:	

This is a decision on the "PETITION TO ESTABLISH PRIOR RECEIPT IN THE P.T.O. OF ITEMS CONSIDERED OMITTED BY THE PATENT OFFICE", filed December 30, 2004, which is being treated as a request that the "Notice of Omitted Item(s) in a Nonprovisional Application" mailed December 15, 2004 be withdrawn.

The petition is **DISMISSED**.

The application was filed on November 5, 2004. However, on December 15, 2004, the Initial Patent Examination Division mailed a "Notice of Omitted Item(s) in a Nonprovional Application". The Notice informed applicant that the application had been accorded a filing date. However, Figure 2C as described in the specification appeared to have been omitted.

In response, applicant filed the present petition. Petitioner explains that Figure 2C was not missing on November 5, 2004. Instead, the drawing sheet contained two figures labeled "Fig. 2A".

It is obvious from the petition that no drawings were actually missing on November 5, 2004. Rather, the drawing sheet containing Figure 2C was simply mislabeled as a result of applicant's filing error. However, the "Notice of Omitted Item(s) in a Nonprovisional Application" mailed December 15, 2004 was correct in stating that Figure 2C described in the specification appeared to have been 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 $400 petition fee is required and has been charged to Deposit Account No. 50-0476.

The application is being returned to the Office of Initial Patent Examination for processing with a filing date of November 5, 2004, using the 3 sheets of drawings filed on that date and the 1 sheet of corrected drawings filed on December 30, 2004 to correct the error in labeling of Figure 2C.

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

Cliff Congo
Petitions Attorney
Office of Petitions

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AND TRADEMARK OFFICE

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Date Mailed: :May 3, 2010
Patent No. : 7,684,967 B2
Ser. No. :10/982152
Issued : March 23, 2010
Inventor(s) : John Wallis, et al.
Title : APPARATUS, METHOD AND SYSTEM FOR IMPROVED RESERVOIR SIMULATION USING AN ALGEBRAIC CASCADING CLASS LINEAR SOLVER

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, attorney agent/firm) 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 1.17(h) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

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

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

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

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

By fax: (571) 273-0025
ATTN: Office of Petitions

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

Magdalene Talley
For Mary F. Diggs, Supervisor
Decisions & Certificates
of Correction Branch
(571) 272-0423

Bryan P. Galloway
Schlumberger Information Solutions
5599 San Felipe, Ste. 100
Houston, TX 77056

MD/mt

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MACMILLAN, SOBANSKI & TODD, LLC
ONE MARITIME PLAZA - FIFTH FLOOR
720 WATER STREET
TOLEDO, OH 43604

Mail Date: 04/21/2010

Applicant	: Jonathan James Unwin	: DECISION ON REQUEST FOR
Patent Number	: 7613326	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/982,171	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/05/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **738** 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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MARK BARRISH
TOWNSEND AND TOWNSEND AND CREW
379 LYTTON AVE.
PALO ALTO, CA 94301

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MAY 26 2006
OFFICE OF PETITIONS

In re Application of	:	
Stephen N. Brooks et al	:	
Application No. 10/982,172	:	DECISION ON PETITION
Filed: November 4, 2004	:	TO WITHDRAW
Attorney Docket No. 025625-000130US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 24, 2005.

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

A review of the file record indicates that the power of attorney to Mark D. Barrish 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 continue to be directed to the below-listed address until otherwise notified by applicant.

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

David Bucci for
Petitions Examiner
Office of Petitions

cc: Anie K. Roche
Wilson, Sonsini, Goodrich and Rosati
650 Page Mill Road
Palo Alto, CA 94304

10982190

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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	:	
Stephan V. BUGAJ et al.	:	
Application No. 10/982,190	:	DECISION ON PETITION
Filed: November 05, 2004	:	
Attorney Docket No. **021751-008010US**	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 13, 2009, to revive the above-identified application, which is being treated as a petition to withdraw the holding of abandonment under 37 CFR 1.181 (No Fee).

The petition to withdraw the holding of abandonment is **GRANTED**.

The application was held abandoned for failure to reply in a timely manner to the non-final Office action mailed, June 26, 2008, which set a shortened statutory period for reply of three (3) months. A Notice of Abandonment was mailed on March 30, 2009.

A review of the file record indicates a response (in the form a Request for Continued Examination (RCE))to the non-final Office action of June 26, 2008, was filed on December 29, 2008, with a certificate of mailing dated December 26, 2008, along with payment for a three (3) – month extension of time, thereby rendering the response timely. Although the RCE was improper, in accordance with MPEP § 706.07 (h)(III)(A)(1), the amendment submitted with RCE should have been processed as a timely response to the non-final Office action of June 26, 2008.

In view of the above the Notice of Abandonment is **VACATED.** The application is being restored to PENDING status.

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 $1110 extension of time fee submitted with the petition on May 13, 2009 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

The petition fee of $1620 paid for the processing of the petition under 37 CFR 1.137(b) will be credited to the petitioner's deposit account.

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

The application is being forwarded to Technology Center AU 2628 for consideration of the amendment filed December 29, 2008.

Ramesh Krishnamurthy

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
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BAKER BOTTS L.L.P.
2001 ROSS AVENUE
SUITE 600
DALLAS, TX 75201-2980

Mail Date: 04/20/2010

Applicant	: Addis Eli Hallmark	: DECISION ON REQUEST FOR
Patent Number	: 7613207	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/982,205	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/03/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1136** 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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MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS MN 55402-0903

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OFFICE OF PETITIONS

In re Application of :
Larsen, et al. :
Application No. 10/982,218 : ON PETITION
Filed: November 5, 2004 :
Attorney Docket No. 15755.0002USC1 :

This is a decision on the petition under 37 CFR 1.47(a), filed September 23, 2009.

The petition is **DISMISSED**.

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

A grantable petition under 37 CFR 1.47(a) requires

(1) 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 petition fee of $200, and
(4) the last known address of the omitted inventor(s).

This petition lacks item (1) above.

As to item (1), Applicants have failed to establish that Mr. Larsen has constructively refused to sign the declaration. The petition is accompanied by a letter signed by Benjamin Egeskjold, who is allegedly the coordinator and senior manager for Bring Express ApS, the courier delivery service that attempted delivery of the application papers and declaration for Mr. Larsen's signature. Mr. Egeskjold states that the correspondence "[h]as been rejected by receiver." The petition states that Steffen Madsen was the individual who attempted delivery.

Mr. Egeskjold does not appear to have first hand knowledge of the efforts made to obtain Mr. Larsen's cooperation. It appears that Steffen Madsen has first hand knowledge of the pertinent events.

The Office would like Steffen Madsen's statement regarding Mr. Larsen's alleged refusal to accept the papers. Did he explicitly refuse to accept the package? If so, was his alleged refusal to accept the package admittedly based on a basic knowledge of the contents of the package or the sender of the package? If no explicit refusal was made, how many times was delivery attempted before Mr. Larsen's conduct was considered a constructive refusal? Were any affirmative steps required of Mr. Larsen to collect the package if a first/second attempt to deliver was not successful?

In short, the Office possesses insufficient information to ascertain whether Mr. Larsen refused to join in the filing of the application. The statement of facts must be signed by a person having *firsthand knowledge* of the facts recited therein. Statements based on hearsay will not normally be accepted. MPEPE 409.03(d)

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.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS MN 55402-0903

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OFFICE OF PETITIONS

In re Application of	:	
Larsen, et al.	:	DECISION GRANTING STATUS
Application No. 10/982,218	:	UNDER 37 CFR 1.47(a)
Filed: November 5, 2004	:	
Attorney Docket No. 15755.0002USC1	:	

This is a decision on the renewed petition under 37 CFR 1.47(a), filed May 18, 2010.

The petition is **GRANTED**.

Petitioners have shown that the non-signing inventor, Peter Mose Larsen, has constructively refused to join in the filing of the above-identified application.

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

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application is being referred to Technology Center A.U. 1656 for continued examination.

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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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
10/982,219	11/04/2004	2661	862	110349-134555	4	24	3

CONFIRMATION NO. 8720

CORRECTED FILING RECEIPT

OC000000018086794

0031817
SCHWABE, WILLIAMSON & WYATT
PACWEST CENTER, SUITE 1900
1211 S.W. FIFTH AVE.
PORTLAND, OR 97204

Date Mailed: 02/17/2006

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

Applicant(s)

Eric C. Hannah, Pebble Beach, CA;

Assignment For Published Patent Application

Intel Corporation

Power of Attorney: The patent practitioners associated with Customer Number **0031817**.

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 01/26/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/982,219

Projected Publication Date: 06/01/2006

Non-Publication Request: No

Early Publication Request: No

Title

Method and apparatus for conditionally obfuscating bus communications

Preliminary Class

370

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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

GRANTED

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

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof

unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

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

NOT GRANTED

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

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WOODCOCK WASHBURN LLP
CIRA CENTRE, 12TH FLOOR
2929 ARCH STREET
PHILADELPHIA, PA 19104-2891

Mail Date: 04/21/2010

Applicant	: Mario H. Skiadopoulos	: DECISION ON REQUEST FOR
Patent Number	: 7622123	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/982,223	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/04/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **366** 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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RIMAS LUKAS
2707 18TH STREET
SAN FRANCISCO CA 94110

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OFFICE OF PETITIONS

In re Application of :
MALEKAFZALI :
Application No. 10/982,230 : ON PETITION
Filed: November 4, 2004 :
Attorney Docket No. ARC012010300 :

This is a decision on the petition under 37 CFR 1.137(a), filed October 17, 2005.

This application was held abandoned for failure to respond timely to the Notice to File Corrected Application Papers mailed on January 26, 2005, which set a two-month extendable period for reply. In the apparent absence of a timely filed response, the application was held abandoned and a Notice of Abandonment was mailed on October 4, 2005.

On October 17, 2005, petitioner submitted the present petition, a $250.00 petition fee, and 11 sheets of formal drawings. On October 24, 2005, the Office of Initial Patent Examination mailed petitioner a Withdrawal of Previously Sent Notice (Withdrawal). The Withdrawal stated that the Notice of Abandonment mailed on October 4, 2005, was sent in error and was withdrawn. A Filing Receipt accompanied the Withdrawal.

In view of the withdrawal of the holding of abandonment, the petition is **dismissed** as involving a moot issue. The $250.00 petition fee is unnecessary and will be refunded by treasury check in due course.

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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SAN FRANCISCO CA 94133

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OFFICE OF PETITIONS

In re Application of	:	
Malekafzali	:	
Application No. 10/982,230	:	DECISION ON PETITION
Filed: November 4, 2004	:	TO WITHDRAW
Attorney Docket No. ARC01-20103.00	:	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 20, 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, client asked to transfer files at the request of the assignee, does not meet any the conditions set forth in 37 CFR 10.40.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being

submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

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

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

April M. Wise
Petitions Examiner
Office of Petitions

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

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OFFICE OF PETITIONS

In re Patent No. 7,470,443	:	
Ashi Malekafzali	:	DECISION ON
Issue Date: November 25, 2008	:	REQUEST FOR
Application No. 10/982,230	:	RECONSIDERATION OF
Filed: November 4, 2004	:	PATENT TERM ADJUSTMENT
Attorney Docket No. 14255-037001	:	
/ ARC01-2010	:	

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 CFR 1.705(d)," filed January 23, 2009, requesting that the patent term adjustment determination for the above-identified patent be changed from six hundred eighteen (618) days to nine hundred sixty-two (962) days.

The request for reconsideration of patent term adjustment is **DISMISSED**.

On November 25, 2008, the above-identified application matured into US Patent No. 7,470,443 with a patent term adjustment of 618 days. This request for reconsideration of patent term adjustment was timely filed within two months of the issue date of the patent. See 37 C.F.R. § 1.705(d).

The Office acknowledges submission of the $200.00 fee set forth in 37 C.F.R. § 1.18(e). No additional fees are required.

Patentees request recalculation of the patent term adjustment to include a 387-day[1] period of adjustment pursuant to 37 C.F.R.

[1] Patentees have indicated that the period of "B Delay" is 384 days, due to the 3-year anniversary of the filing of this application falling on November 4, 2007, and this patent did not issue until November 25, 2008. However, this appears to be a miscalculation, as the patent issued 387 days after the

§1.703(b). Patentees maintain entitlement to a period of adjustment due to the Three Year Delay by the Office, pursuant to 37 CFR § 1.703(b), of 387 days and the period of adjustment due to other examination delay, pursuant to 37 CFR § 1.702(a), of 709 days.

The 387-day period is calculated based on the application having been filed under 35 U.S.C. § 111(a) on November 4, 2004, and the instant patent issued on November 25, 2008, which is 3 years and 387 days after its filing date.

Under 37 CFR § 1.703(f), Patentees are entitled to a period of patent term adjustment equal to the period of delays based on the grounds set forth in 37 CFR § 1.702 reduced by the period of time equal to the period of time during which Patentees failed to engage in reasonable efforts to conclude prosecution pursuant to 37 CFR § 1.704. In other words, the period of Office delay reduced by the period of applicant delay. The period of reduction of 91 days for applicant delay is not in dispute.

Patentees do not dispute that the total period of Office delay is the sum of the period of Three Years Delay (387 days) and the period of Examination Delay (709 days) to the extent that these periods of delay are not overlapping. However, Patentees contend that 40 days of the Three Year Delay period overlaps with the period of 14-month examination delay. Accordingly, Patentees submit that the total period of adjustment for Office delay is 1133 days, which is the sum of the period of Three Year Delay (387 days) and the period of Examination Delay (709 days), reduced by the period of overlap (25 days).

As such, Patentees assert entitlement to a patent term adjustment of 965 days (387 + 709 reduced by 40 overlap - 91 (applicant delay)).

The Office agrees that the application was pending 3 years and 387 days after its filing date. The Office agrees that the action detailed above was not taken within the specified time frame, and thus, the entry of a period of adjustment of 709 days for Office delay is correct. At issue is whether Patentees should accrue 347 days of patent term adjustment for the Office taking in excess of three years to issue the patent (387 days

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3-year anniversary of the filing of this application. As such, this petition is being construed to contain an assertion that the period of "B Delay" is 387 days, and not 384 days.

less the 40 days of overlap), as well as 709 days for Office failure to take a certain action within a specified time frame (or examination delay).

The Office contends that the entire 709-day period overlaps. Patentees' calculation of the period of overlap is inconsistent with the Office's interpretation of this provision. 35 U.S.C. 154(b)(2)(A) limits the adjustment of patent term, as follows:

> to the extent that the periods of delay attributable to grounds specified in paragraph (1) overlap, the period of any adjustment granted under this subsection shall not exceed the actual number of days the issuance of the patent was delayed.

Likewise, 37 CFR 1.703(f) provides that:

> To the extent that periods of delay attributable to the grounds specified in §1.702 overlap, the period of adjustment granted under this section shall not exceed the actual number of days the issuance of the patent was delayed.

As explained in *Explanation of 37 CFR 1.703(f) and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A)*, 69 Fed. Reg. 34283 (June 21, 2004), the Office interprets 35 U.S.C. 154(b)(2)(A) as permitting either patent term adjustment under 35 U.S.C. 154(b)(1)(A)(i)-(iv), or patent term adjustment under 35 U.S.C. 154(b)(1)(B), but not as permitting patent term adjustment under both 35 U.S.C. 154(b)(1)(A)(i)-(iv) and 154(b)(1)(B). Accordingly, the Office implements the overlap provision as follows:

> If an application is entitled to an adjustment under 35 U.S.C. 154(b)(1)(B), the entire period during which the application was pending (except for periods excluded under 35 U.S.C. 154(b)(1)(B)(i)-(iii)), and not just the period beginning three years after the actual filing date of the application, is the period of delay under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay overlap under 35 U.S.C. 154(b)(2)(A). Thus, any days of delay for Office issuance of the patent more than 3 years after the filing date of the application, which overlap with the days of patent term adjustment accorded prior to the issuance of the patent will not result in any

> additional patent term adjustment. See 35 U.S.C. 154(b)(1)(B), 35 U.S.C. 154(b)(2)(A), and 37 CFR § 1.703(f). See *Changes to Implement Patent Term Adjustment Under Twenty Year Term; Final Rule*, 65 Fed. Reg. 54366 (Sept. 18, 2000). See also *Revision of Patent Term Extension and Patent Term Adjustment Provisions; Final Rule*, 69 Fed. Reg. 21704 (April 22, 2004), 1282 Off. Gaz. Pat. Office 100 (May 18, 2004). See also *Explanation of 37 CFR 1.703(f) and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A)*, 69 Fed. Reg. 34283 (June 21, 2004).

The current wording of § 1.703(f) was revised in response to the misinterpretation of this provision by a number of Patentees. The rule was slightly revised to more closely track the corresponding language of 35 U.S.C. 154(b)(2)(A). The relevant portion differs only to the extent that the statute refers back to provisions of the statute whereas the rule refers back to sections of the rule. This was not a substantive change to the rule nor did it reflect a change of the Office's interpretation of 35 U.S.C. 154(b)(2)(A). As stated in the *Explanation of 37 CFR 1.703(f) and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A)*, the Office has consistently taken the position that if an application is entitled to an adjustment under the three-year pendency provision of 35 U.S.C. 154(b)(1)(B), the entire period during which the application was pending before the Office (except for periods excluded under 35 U.S.C. 154(b)(1)(B)(i)-(iii)), and not just the period beginning three years after the actual filing date of the application, is the relevant period under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay "overlap" under 35 U.S.C. 154(b)(2)(A).

This interpretation is consistent with the statute. Taken together the statute and rule provide that to the extent that periods of delay attributable to grounds specified in 35 U.S.C. 154(b)(1) and in corresponding 37 C.F.R. § 1.702 overlap, the period of adjustment granted shall not exceed the actual number of days the issuance of the patent was delayed. The grounds specified in these sections cover the A) guarantee of prompt Patent and Trademark Office responses, B) guarantee of no more than 3 year application pendency, and C) guarantee or adjustments for delays due to interference, secrecy orders and appeals. A section by section analysis of 35 U.S.C. 154(b)(2)(A) specifically provides that:

> Section 4402 imposes limitations on restoration of term. In general, pursuant to [35 U.S.C.] 154(b)(2)(A)-(C), total adjustments granted for restorations under [35 U.S.C. 154](b)(1) are reduced as follows: (1) To the extent that there are multiple grounds for extending the term of a patent that may exist simultaneously (e.g., delay due to a secrecy order under [35 U.S.C.] 181 and administrative delay under [35 U.S.C.] 154(b)(1)(A)), the term should not be extended for each ground of delay but only for the actual number of days that the issuance of a patent was delayed; See 145 Cong. Rec. S14,718[2]

As such, the period for over 3 year pendency does not overlap only to the extent that the actual dates in the period beginning three years after the date on which the application was filed overlap with the actual dates in the periods for failure of the Office to take action within specified time frames. In other words, consideration of the overlap does not begin three years after the filing date of the application. Treating the relevant period as starting on November 4, 2007, the date that is 3 years after the actual filing date of the application, is incorrect.

In this instance, the relevant period under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay "overlap" under 35 U.S.C. 154(b)(2)(A) is the entire period during which the application was pending before the Office, November 4, 2004 to November 25, 2008. 709 days of patent term adjustment were accorded prior to the issuance of the patent for the Office failing to respond within a specified time frame during the pendency of the application. <u>All of the 387 days for Office delay in issuing the patent overlap with the 709 days of Office delay</u>. During that time, the issuance of the patent was delayed by 709 days, not 709 + (387 - 40 = 347) days. Other than the period of Office delay pursuant to 37 C.F.R. § 702(a)(1) which totals 709 days, the Office took all actions set forth in 37 C.F.R. § 1.702(a) within the prescribed timeframes. Nonetheless, given the initial 709 days of Office delay and the 91 days of applicant delay and the time allowed within the time frames for processing and examination, as of the date of

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[2] The AIPA is title IV of the Intellectual Property and Communications Omnibus Reform Act of 1999 (S. 1948), which was incorporated and enacted as law as part of Pub. L. 106-113. The Conference Report for H.R. 3194, 106th Cong. 1st Sess. (1999), which resulted in Pub. L. 106-113, does not contain any discussion (other than the incorporated language) of S. 1948. A section-by-section analysis of S. 1948, however, was printed in the Congressional Record at the request of Senator Lott, See 145 Cong. Rec. S14,708-26 (1999)(daily ed. Nov. 17, 1999).

STATUTE AND REGULATION

35 U.S.C. § 154(b) as amended by § 4402 of the American Inventors Protection Act of 1999[3] (AIPA) provides that:

> ADJUSTMENT OF PATENT TERM. –
>
> (1) PATENT TERM GUARANTEES. –
>
> (A) GUARANTEE OF PROMPT PATENT AND TRADEMARK OFFICE RESPONSES. – Subject to the limitations under paragraph (2), if the issue of an original patent is delayed due to the failure of the Patent and Trademark Office to –
>
> (i) provide at least one of the notifications under section 132 of this title or a notice of allowance under section 151 of this title not later than 14 months after –
>
> (I) the date on which an application was filed under section 111(a) of this title; or
>
> (II) the date on which an international application fulfilled the requirements of section 371 of this title;
>
> (ii) respond to a reply under section 132, or to an appeal taken under section 134, within 4 months after the date on which the reply was filed or the appeal was taken;
>
> (iii) act on an application within 4 months after the date of a decision by the Board of Patent Appeals and Interferences under section 134 or 135 or a decision by a Federal court under section 141, 145, or 146 in a case in which allowable claims remain in the application; or
>
> (iv) issue a patent within 4 months after the date on which the issue fee was paid under section 151 and all outstanding requirements were satisfied, the term of the patent shall be extended 1 day for each day after the end of the period specified in clause (i), (ii), (iii), or (iv), as the case may be, until the action described in such clause is taken.
>
> (B) GUARANTEE OF NO MORE THAN 3-YEAR APPLICATION PENDENCY. – Subject to the limitations under paragraph (2), if the issue of an original patent is delayed due to the failure of the United States Patent and Trademark Office to issue a patent within 3 years after the actual filing date of the application in the United States, not including –

[3] Public Law 106-113, 113 Stat. 1501, 1501A-557 through 1501A-560 (1999).

(i) any time consumed by continued examination of the application requested by the applicant under section 132(b);

(ii) any time consumed by a proceeding under section 135(a), any time consumed by the imposition of an order under section 181, or any time consumed by appellate review by the Board of Patent Appeals and Interferences or by a Federal court; or

(iii) any delay in the processing of the application by the United States Patent and Trademark Office requested by the applicant except as permitted by paragraph (3)(C), the term of the patent shall be extended 1 day for each day after the end of that 3-year period until the patent is issued.

(C) GUARANTEE OR ADJUSTMENTS FOR DELAYS DUE TO INTERFERENCES, SECRECY ORDERS, AND APPEALS. – Subject to the limitations under paragraph (2), if the issue of an original patent is delayed due to –

(i) a proceeding under section 135(a);

(ii) the imposition of an order under section 181; or

(iii) appellate review by the Board of Patent Appeals and Interferences or by a Federal court in a case in which the patent was issued under a decision in the review reversing an adverse determination of patentability, the term of the patent shall be extended 1 day for each day of the pendency of the proceeding, order, or review, as the case may be.

(2) LIMITATIONS. –

(A) IN GENERAL. – To the extent that periods of delay attributable to grounds specified in paragraph (1) overlap, the period of any adjustment granted under this subsection shall not exceed the actual number of days the issuance of the patent was delayed.

The implementing regulation, 37 CFR § 1.702, provides grounds for adjustment of patent term due to examination delay under the Patent Term Guarantee Act of 1999 (original applications, other than designs, filed on or after May 29, 2000).

(a) Failure to take certain actions within specified time frames. Subject to the provisions of 35 U.S.C. 154(b) and this subpart, the term of an original patent shall be

adjusted if the issuance of the patent was delayed due to the failure of the Office to:

(1) Mail at least one of a notification under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 151 not later than fourteen months after the date on which the application was filed under 35 U.S.C. 111(a) or fulfilled the requirements of 35 U.S.C. 371 in an international application;

(2) Respond to a reply under 35 U.S.C. 132 or to an appeal taken under 35 U.S.C. 134 not later than four months after the date on which the reply was filed or the appeal was taken;

(b) Failure to issue a patent within three years of the actual filing date of the application. Subject to the provisions of 35 U.S.C. 154(b) and this subpart, the term of an original patent shall be adjusted if the issuance of the patent was delayed due to the failure of the Office to issue a patent within three years after the date on which the application was filed under 35 U.S.C. 111(a) or the national stage commenced under 35 U.S.C. 371(b) or (f) in an international application, but not including[4]:

In pertinent part, 37 CFR § 1.703 provides for calculation of the periods, as follows:

Period of adjustment of patent term due to examination delay.

(a) The period of adjustment under § 1.702(a) is the sum of the following periods:

(1) The number of days, if any, in the period beginning on the day after the date that is fourteen months after the date on which the application was filed under 35 U.S.C. 111(a) or fulfilled the requirements of 35 U.S.C. 371 and ending on the date of mailing of either an action under 35 U.S.C. 132, or a notice of allowance under 35 U.S.C. 151, whichever occurs first;

(b) The period of adjustment under § 1.702(b) is the number of days, if any, in the period beginning on the day

---

[4] (1) Any time consumed by continued examination of the application under 35 U.S.C. 132(b);

(2) Any time consumed by an interference proceeding under 35 U.S.C. 135(a);

(3) Any time consumed by the imposition of a secrecy order under 35 U.S.C. 181;

(4) Any time consumed by review by the Board of Patent Appeals and Interferences or a Federal court; or

(5) Any delay in the processing of the application by the Office that was requested by the applicant.

> after the date that is three years after the date on which the application was filed under 35 U.S.C. 111(a) or the national stage commenced under 35 U.S.C. 371(b) or (f) in an international application and ending on the date a patent was issued, but not including the sum of the following periods[5]:

37 CFR 1.703(f) provides that:

> The adjustment will run from the expiration date of the patent as set forth in 35 U.S.C. 154(a)(2). To the extent that periods of delay attributable to the grounds specified in §1.702 overlap, the period of adjustment granted under this section shall not exceed the actual number of days the issuance of the patent was delayed. The term of a patent entitled to adjustment under § 1.702 and this section shall be adjusted for the sum of the periods calculated under paragraphs (a) through (e) of this section, to the extent that such periods are not overlapping, less the sum of the periods calculated under § 1.704. The date indicated on any certificate of mailing or transmission under § 1.8 shall not be taken into account in this calculation.

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[5] (1) The number of days, if any, in the period beginning on the date on which a request for continued examination of the application under 35 U.S.C. 132(b) was filed and ending on the date the patent was issued;

(2)(i) The number of days, if any, in the period beginning on the date an interference was declared or redeclared to involve the application in the interference and ending on the date that the interference was terminated with respect to the application; and (ii) The number of days, if any, in the period beginning on the date prosecution in the application was suspended by the Office due to interference proceedings under 35 U.S.C. 135(a) not involving the application and ending on the date of the termination of the suspension;

(3)(i) The number of days, if any, the application was maintained in a sealed condition under 35 U.S.C. 181; (ii) The number of days, if any, in the period beginning on the date of mailing of an examiner's answer under § 41.39 of this title in the application under secrecy order and ending on the date the secrecy order was removed; (iii) The number of days, if any, in the period beginning on the date applicant was notified that an interference would be declared but for the secrecy order and ending on the date the secrecy order was removed; and (iv) The number of days, if any, in the period beginning on the date of notification under § 5.3(c) of this chapter and ending on the date of mailing of the notice of allowance under 35 U.S.C. 151; and,

(4) The number of days, if any, in the period beginning on the date on which a notice of appeal to the Board of Patent Appeals and Interferences was filed under 35 U.S.C. 134 and § 41.31 of this title and ending on the date of the last decision by the Board of Patent Appeals and Interferences or by a Federal court in an appeal under 35 U.S.C. 141 or a civil action under 35 U.S.C. 145, or on the date of mailing of either an action under 35 U.S.C. 132, or a notice of allowance under 35 U.S.C. 151, whichever occurs first, if the appeal did not result in a decision by the Board of Patent Appeals and Interferences.

issuance of this patent, the application was pending three years and 387 days. The Office did not delay 709 days and then an additional 347 days. Accordingly, 709 days of patent term adjustment (not 709 and 347 days) was properly entered since the entire period of delay of 387 days attributable to the delay in the issuance of the patent overlaps with the adjustment of 709 days attributable to grounds specified in § 1.702(a)(1). Entry of both periods is not warranted. 709 days is determined to be the actual number of days that the issuance of the patent was delayed, considering the 387 days over three years to the issuance of this patent.

Accordingly, at issuance, the Office properly entered no additional days of patent term adjustment for the Office taking in excess of 3 years to issue the patent.

In view thereof, no adjustment to the patent term will be made.

Patentees remain under a duty to disclose to the Office entry of additional patent term adjustment that is not warranted.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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AUG 16 2005

OFFICE OF PETITIONS

In re Application of	:	
Strickland et al.	:	DECISION REFUSING STATUS
Application No. 10/982,248	:	
Filed: November 5, 2004	:	
Atty Docket No. 07678/120003	:	

This is a decision on the "PETITION TO FILE AN APPLICATION FOR PATENT UNDER 37 C.F.R. § 1.47(a)," filed June 29, 2005 (Certificate of Mailing, June 27, 2005).

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 C.F.R. §1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 C.F.R. § 1.136(a).

The above-identified application was filed on November 5, 2004, with an unexecuted declaration. Accordingly, on January 25, 2005, applicants were mailed a "Notice to File Missing Parts of Nonprovisional Application," requiring submission of an executed oath or declaration and payment of the surcharge for late filing under § 1.16(e).

In response, rule 47 applicants filed the instant petition, petition fee and payment of the late surcharge. This response was made timely by an accompanying petition for extension of time for response within the third month (and fee). On petition, applicants assert that status under § 1.47(a) is proper because inventor Vernie Due cannot be found or reached to execute the declaration.

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

Petitioner has shown that the non-signing inventor cannot be reached or found after diligent effort to join in the application. The petition details attempts to reach him by phone, mail and Internet searches. Further, a copy of the application papers were sent to his address and to a forwarding address without success in reaching inventor Due. The petition includes payment of the petition fee and a statement of the last known address of non-signing inventor Due.

However, the declaration is unacceptable, as it does not include the residence and/or mailing address of inventor Due. 37 CFR § 1.63(c) provides that unless such information is supplied on an application data sheet (ADS) in accordance with § 1.76, the oath or declaration must also identify ... [t]he mailing address, and the residence if an inventor lives at a location which is different from where the inventor customarily receives mail, of each inventor. (The residence and/or mailing addresses of the signing joint inventors are supplied in previously filed ADSs).

On renewed petition, a supplemental ADS <u>or</u> a new oath or declaration properly executed by all available joint inventors on behalf of themselves and on behalf of non-signing inventor Due, including the information required for inventor Due should be supplied. (Rule 47 applicants are reminded that an oath or

declaration with non-initialized/non-dated changes is unacceptable).

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

By mail:	Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
By fax:	(571) 273-8300 ATTN: Office of Petitions
By hand:	Customer Service Window Randolph Building 401 Dulany Street Alexandria, VA 22314

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

In re Application of	:	
Strickland et al.	:	DECISION ACCORDING STATUS
Application No. 10/982,248	:	UNDER 37 CFR 1.47(a)
Filed: November 5, 2004	:	
Atty Docket No. 07678/120003	:	

This is a decision on the "REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 C.F.R. § 1.47(a)," filed August 25, 2005.

The petition is **GRANTED**.

The above-identified application was filed on November 5, 2004, with an unexecuted declaration. In response to the "Notice to File Missing Parts of Nonprovisional Application" mailed January 25, 2005, on June 29, 2005, applicants filed the initial petition under 1.147(a), requesting acceptance of the declaration without the signature of inventor Due.

However, by decision mailed August 16, 2005, the petition was dismissed for failure to submit an acceptable oath or declaration in compliance with 35 U.S.C. §§115 and 116. The declaration did not include the residence and/or mailing address of inventor Due.

On renewed petition, rule 47 applicants timely responded with a supplemental Application Data Sheet, including the information required for inventor Due.

The declaration filed June 29, 2005, and the petition have been reviewed and are now found in compliance with 37 CFR 1.47(a).

This application is hereby accorded Rule 1.47(a) status.

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

The application will be examined in due course.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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MR. VERNIE DUE
3101 Perry Avenue
Kansas City, MO 64124

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OFFICE OF PETITIONS

In re Application of	:	
Strickland et al.	:	LETTER
Application No. 10/982,248	:	
Filed: November 5, 2004	:	
Atty Docket No. 07678/120003	:	

Dear Mr. Due:

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 Nancy Johnson at (571) 272-3219. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be

directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

CLARK & ELBING LLP
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BEVERLY HILLS CA 90212

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JUL 27 2005

OFFICE OF PETITIONS

In re Application of	:	
Kil Yong Sung	:	
Application No. 10/982,250	:	ON PETITION
Filed: November 4, 2004	:	
Attorney Docket No. 01-12-1826	:	

This is a decision on the petition, filed July 19, 2005, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee. This is also a decision on the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed July 19, 2005, to accept an unintentionally delayed claim under 35 U.S.C. §§120 and 119(e) for the benefit of the prior-filed applications set forth in the concurrently filed amendment.

The petitions are **GRANTED**.

As to the petition under 37 CFR 1.313(c)(2):

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 1, 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]

As to the petition under 37 CFR 1.78(a)(3) and 1.78(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 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).

(1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;

(2) the surcharge set forth in § 1.17(t); and

(3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional where there is a question whether the delay was unintentional.

The petition satisfies all of the above requirements.

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

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

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

This application is being forwarded to Technology Center Art Unit 3749 for appropriate action on the amendment submitted July 19, 2005, including consideration by the examiner of the claim under 35 U.S.C. § §120 and 37 CFR 1.78(a)(2) for the benefit of the prior-filed applications, and for consideration of the claim under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(5) for the benefit of the prior-filed provisional application.

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

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

ATTACHMENT : Corrected Filing Receipt

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OFFICE OF PETITIONS

TROJAN LAW OFFICES
9250 Wilshire Blvd
Beverly Hills, CA 90212

In re Application of:
SUNG, Kil Yong
Application No.: 10/982,250
Filed: November 4, 2004
Atty's Docket No.: 01-12-1826

DECISION ON PETITION UNDER 37 CFR 1.137(b)

This is a decision on the petition for revival of the above-entitled application under 37 CFR 1.137(b), filed December 20, 2005.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to submit the issue and publication fees in a timely manner in reply to the Notice Of Allowance mailed September 8, 2005, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned at midnight on December 9, 2005.

On December 20, 2005, applicant filed the petition for revival under 37 CFR 1.137(b) considered herein. The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that it includes: (1) the petition fee; (2) the required statement of unintentional delay; and (3) the required reply in the form of payment of the issue and publication fees. Accordingly, the publication fee payment is accepted as having been unintentionally delayed.

The application is being referred to the Office Of Publications.

Telephone inquiries concerning this decision should be directed to the undersigned.

Derek A. Putonen
Attorney Advisor
(571) 272-3294

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JUN 29 2007

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Edwin Hirahara :
Application No. 10/982,251 :
Filed: November 4, 2004 :
Attorney Docket No. WEYE-1-21831/25341A :

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

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Office action mailed July 18, 2006, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on August 19, 2006.

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

This matter is being referred to Technology Center AU 3643 for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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CANTOR COLBURN, LLP
20 CHURCH STREET, 22ND FLOOR
HARTFORD, CT 06103

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SEP 30 2008

OFFICE OF PETITIONS

In re Application of	:	
Carsten ANDERSEN	:	
Application No. 10/982,257	:	DECISION ON PETITION
Filed: November 5, 2004	:	
Attorney Docket No. GRP-0089	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 3, 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, January 8, 2008, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on April 9, 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 $770; 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 $525 extension of time fee submitted with the petition on September 3, 2008 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's Deposit Account No 06-1130.

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

This application is being referred to Technology Center AU 1791 for appropriate action by the Examiner in the normal course of business on the reply received September 3, 2008.

Thurman Page
Petitions Examiner
Office of Petitions

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SUITE 600
DALLAS TX 75201-2980

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JUN 1 8 2008

OFFICE OF PETITIONS

In re Application of Gano et al. Application No. 10/982267 Filed: 11/03/2004 Attorney Docket No. HES-2004-IP-016240 U1 USA	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 on April 28, 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 with the petition.

The petition is **GRANTED**.

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

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

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 120 is accepted as being unintentionally delayed.

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

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

The petition fee of $1,410.00 will be charged to counsel's deposit account, as authorized in the subject petition.

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

This application is being forwarded to Technology Center Art Unit 3676 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

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
10/982,267	11/03/2004	3676	1330	HES-2004-IP-016240 U1 USA	24	4

CONFIRMATION NO. 1818

CORRECTED FILING RECEIPT

5073
BAKER BOTTS L.L.P.
2001 ROSS AVENUE
SUITE 600
DALLAS, TX 75201-2980

OC000000030413378

Date Mailed: 06/17/2008

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)

John C. Gano, Carrollton, TX;
Ralph H. Echols, Dallas, TX;

Power of Attorney: The patent practitioners associated with Customer Number 05073

Domestic Priority data as claimed by applicant

This application is a CIP of 10/252,621 09/23/2002 PAT 6,854,522

Foreign Applications

If Required, Foreign Filing License Granted: 12/10/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 10/982,267**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

System and method for thermal change compensation in an annular isolator

Preliminary Class

166

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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AUG 04 2009

OFFICE OF PETITIONS

In re Application of	:	
Gano et al.	:	
Application No. 10/982267	:	DECISION ON PETITION
Filed: 11/03/2004	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 074263.0277	:	

This is a decision on the petition under 37 CFR 1.78(a)(3), filed on July 14, 2009, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the amendment filed with the petition.

The petition is **GRANTED**.

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

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

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 120 is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed application. In order for this application to be entitled to the

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

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

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

This application is being forwarded to Technology Center Art Unit 3676 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

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
10/982,267	11/03/2004	3676	1330	074263.0277	24	4

CONFIRMATION NO. 1818

CORRECTED FILING RECEIPT

5073
BAKER BOTTS L.L.P.
2001 ROSS AVENUE
SUITE 600
DALLAS, TX 75201-2980

OC000000037138697

Date Mailed: 08/04/2009

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

John C. Gano, Carrollton, TX;
Ralph H. Echols, Dallas, TX;

Power of Attorney: The patent practitioners associated with Customer Number 05073

Domestic Priority data as claimed by applicant

This application is a CIP of 10/252,621 09/23/2002 PAT 6,854,522
and is a CIP of 10/702,830 11/06/2003 PAT 7,152,687

Foreign Applications

If Required, Foreign Filing License Granted: 12/10/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 10/982,267**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

System and method for thermal change compensation in an annular isolator

Preliminary Class

166

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

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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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SEP 18 2006

OFFICE OF PETITIONS

Mr. Lynn G. Foster, L.C.
602 East 300 South
Salt Lake City UT 84102

In re Application of	:	
Rodney M. Lafollette, et al.	::	DECISION ON PETITION
Application No. 10/982,270	:	TO MAKE SPECIAL
Attorney Docket No. 7310.C2	:	37 CFR 1.102(c)

This is a decision on the petition under 37 CFR 1.102(c) (2)(ii), filed November 26, 2004, 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 VI: Energy.

The petition is **GRANTED**

A grantable petition to make an application special under 37 CFR 1.102(c)(2)(ii), MPEP 708.02, Section VI: Energy, must be accompanied by a statement by the applicant, assignee or attorney/agent registered to practice before the Office explaining how the invention materially contributes to: (A) the discovery or development of energy resources, or (B) the more efficient utilization and conservation of energy resources. Examples of inventions in category (A) would be developments in fossil fuels (natural gas, coal, and petroleum), hydrogen fuel technologies, nuclear energy, solar energy, etc. Category (B) would include inventions relating to the reduction of energy consumption in combustion systems, industrial equipment, household appliances, etc. No fee is required.

The instant petition is signed by Mr. Lynn G. Foster, Attorney for Applicants, registered to practice before the Office, and complies with the above stated requirements under category (A) (the discovery or development of energy sources). Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Mikhail Kornakov at (571) 272-1303 or in his absence, the undersigned at (571) 272-7099.

The application file is being referred to Technology Center AU 1745 for expedited prosecution.

David A. Bucci
Petitions Examiner
Office of Petitions

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DINSMORE & SHOHL LLP
ONE DAYTON CENTRE
SUITE 1300
ONE SOUTH MAIN STREET
DAYTON, OH 45402-2023

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JUN 0 6 2005

OFFICE OF PETITIONS

In re Application of :
James E. Dvorsky, Brian Graham, Sreedhara :
Alavattam, Charles M. Gegenheimer, John R. :
Finney, Jean E. Schelhorn, Dov S. Rosenberg, :
Jeffrey Cafmayer, Mark R. Bauer, Robert J. :
Fellows, Nadim C. Moucharafieh, Ronald Alan :
Coffee, Alastair Bruce Pirrie, David Neville :
Davies, Johnathan Essex-Lopresti, Margaret :
Sin Ka Wan and Anna Busby :
Application No. 10/982,273 :
Filed: November 5, 2004 :
Attorney Docket No. BAT 0101PA/14223US :

DECISION REFUSING STATUS
UNDER 37 CFR 1.47(a)

This is in response to the "Petition Under 37 CFR 1.47(a)," filed May 16, 2005.

The petition is dismissed.

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

The above-identified application was filed on November 5, 2004 without an executed oath or declaration and naming James E. Dvorsky, Brian Graham, Sreedhara Alavattam, Charles M. Gegenheimer, John R. Finney, Jean E. Schelhorn, Dov S. Rosenberg, Jeffrey Cafmayer, Mark R. Bauer, Robert J. Fellows, Nadim C. Moucharafieh, Ronald Alan Coffee, Alastair Bruce Pirrie, David Neville Davies, Johnathan Essex-Lopresti, Margaret Sin Ka Wan and Anna Busby as joint inventors.

Accordingly, on February 16, 2005, a "Notice to File Missing Parts of Application" was mailed, requiring an executed oath or declaration, and a surcharge for its late filing.

In response, on May 16, 2005, the instant petition and a one (1) month extension of time were filed.

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

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

Applicant lacks items (1) and (2), as set forth above.

As to item (1):

Ronald Alan Coffee:
Applicant states a copy of the application along with the declaration was received by the non-signing inventor on May 16, 2005, the same day the instant petition was filed. Further, applicant states, "It is too soon to expect a response." Applicant should submit a statement regarding the status of communications with the non-signing inventor and whether the inventor has refused to sign the declaration.

Alastair Bruce Pirrie:
Applicant states, "Discussions with Inventor Pirrie and his attorney to obtain a signed Declaration are ongoing." Applicant should submit a statement regarding the status of the negotiations with the non-signing inventor and whether the inventor has refused to sign the declaration.

David Neville Davies:
Applicant appears to demonstrate that the non-signing inventor was only presented with the declaration. Unless the non-signing inventor was presented with a copy of the application papers (specification, claims and drawings), the non-signing inventor could not attest that he has "reviewed and understands the application papers" and therefore could not sign the declaration which he was given. Accordingly, Rule 47 applicant failed to show or provide proof that the inventor has refused to sign the declaration. See MPEP 409.03(d). Petitioner should show that a copy of the application papers was presented to the non-signing inventor, but that he did not respond to, or refused, the request that he sign the oath/declaration in order to show that the inventor has refused to join in the application. The proof of the pertinent events should be made by a statement of someone with first hand knowledge of the events.

Anna Busby:
Applicant has failed to show that the inventor cannot be reached. Applicant has stated that the Declaration was sent to two different addresses and was returned each time. However, applicant has not submitted a statement of facts that describes any diligent efforts applicant has used to locate the non-signing inventor thereafter.

Where inability to find or reach a non-signing inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made. The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, telephone directory searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the non-signing inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the non-signing inventor should be included statement of facts. It is important that the statement contain facts as opposed to conclusions. See MPEP 409.03(d).

As to item (2), an oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 still has not been presented. A declaration singed by any of the inventors has not been filed. An oath or declaration in compliance with 37 CFR 1.63 and 1.64 signed by the joint-inventors on behalf of themselves and the non-signing inventors is REQUIRED. See MPEP 409.03(a).

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

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

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

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

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3228.

Edward J. Tannouse
Petitions Attorney
Office of Petitions/Patent
United States Patent and Trademark Office

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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AUG 1 8 2005

OFFICE OF PETITIONS

In re Application of :
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Alavattam, Charles M. Gegenheimer, John R. :
Finney, Jean E. Schelhorn, Dov S. Rosenberg, :
Jeffrey Cafmayer, Mark R. Bauer, Robert J. :
Fellows, Nadim C. Moucharafieh, Ronald Alan :
Coffee, Alastair Bruce Pirrie, David Neville :
Davies, Johnathan Essex-Lopresti, Margaret :
Sin Ka Wan and Anna Busby :
Application No. 10/982,273 :
Filed: November 5, 2004 :
Attorney Docket No. BAT 0101PA/14223US :

DECISION REFUSING STATUS
UNDER 37 CFR 1.47(a)

This is in response to the "Petition Under 37 CFR 1.47(a)," filed May 16, 2005 and supplemented on June 16, 2005.

The petition is dismissed.

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

The above-identified application was filed on November 5, 2004 without an executed oath or declaration and naming James E. Dvorsky, Brian Graham, Sreedhara Alavattam, Charles M. Gegenheimer, John R. Finney, Jean E. Schelhorn, Dov S. Rosenberg, Jeffrey Cafmayer, Mark R. Bauer, Robert J. Fellows, Nadim C. Moucharafieh, Ronald Alan Coffee, Alastair Bruce Pirrie, David Neville Davies, Johnathan Essex-Lopresti, Margaret Sin Ka Wan and Anna Busby as joint inventors.

Accordingly, on February 16, 2005, a "Notice to File Missing Parts of Application" was mailed, requiring an executed oath or declaration, and a surcharge for its late filing.

In response, on May 16, 2005, the instant petition was filed. Supplemental information, including a Declaration, was filed on June 16, 2005.

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

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

Applicant lacks items (1), as set forth above.

As to item (1):

Ronald Alan Coffee:
Applicant states a copy of the application along with the declaration was received by the non-signing inventor on May 16, 2005, the same day the instant petition was filed. Further, applicant states, "It is too soon to expect a response." Applicant should submit a statement regarding the status of communications with the non-signing inventor and whether the inventor has refused to sign the declaration.

Alastair Bruce Pirrie:
Applicant states, "Discussions with Inventor Pirrie and his attorney to obtain a signed Declaration are ongoing." Applicant should submit a statement regarding the status of the negotiations with the non-signing inventor and whether the inventor has refused to sign the declaration.

David Neville Davies:
Applicant appears to demonstrate that the non-signing inventor was only presented with the declaration. Unless the non-signing inventor was presented with a copy of the application papers (specification, claims and drawings), the non-signing inventor could not attest that he has "reviewed and understands the application papers" and therefore could not sign the declaration which he was given. Accordingly, Rule 47 applicant failed to show or provide proof that the inventor has refused to sign the declaration. See MPEP 409.03(d). Petitioner should show that a copy of the application papers was presented to the non-signing inventor, but that he did not respond to, or refused, the request that he sign the oath/declaration in order to show that the inventor has refused to join in the application. The proof of the pertinent events should be made by a statement of someone with first hand knowledge of the events.

Anna Busby:
Applicant has failed to show that the inventor cannot be reached. Applicant has stated that the Declaration was sent to two different addresses and was returned each time. However, applicant has not submitted a statement of facts that describes any diligent efforts applicant has used to locate the non-signing inventor thereafter.

Where inability to find or reach a non-signing inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made. The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, telephone directory searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the non-signing inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the non-signing inventor should be included statement of facts. It is important that the statement contain facts as opposed to conclusions. See MPEP 409.03(d).

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 related to this decision should 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BATTELLE MEMORIAL INSTITUTE
505 KING AVENUE
COLUMBUS, OH 43201-2693

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OFFICE OF PETITIONS

In re Application of :
James E. Dvorsky, Brian Graham, Sreedhara :
Alavattam, Charles M. Gegenheimer, John R. :
Finney, Jean E. Schelhorn, Dov S. Rosenberg, :
Jeffrey Cafmayer, Mark R. Bauer, Robert J. :
Fellows, Nadim C. Moucharafieh, Ronald Alan :
Coffee, Alastair Bruce Pirrie, David Neville :
Davies, Johnathan Essex-Lopresti, Margaret :
Sin Ka Wan and Anna Busby :
Application No. 10/982,273 :
Filed: November 5, 2004 :
Attorney Docket No. BAT 0101PA/14223US :

DECISION REFUSING STATUS
UNDER 37 CFR 1.47(a)

This is in response to the "Request For Reconsideration of Petition Under 37 CFR 1.47(a)," filed August 25, 2005.

The petition is dismissed.

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

The above-identified application was filed on November 5, 2004 without an executed oath or declaration and naming James E. Dvorsky, Brian Graham, Sreedhara Alavattam, Charles M. Gegenheimer, John R. Finney, Jean E. Schelhorn, Dov S. Rosenberg, Jeffrey Cafmayer, Mark R. Bauer, Robert J. Fellows, Nadim C. Moucharafieh, Ronald Alan Coffee, Alastair Bruce Pirrie, David Neville Davies, Johnathan Essex-Lopresti, Margaret Sin Ka Wan and Anna Busby as joint inventors.

Accordingly, on February 16, 2005, a "Notice to File Missing Parts of Application" was mailed, requiring an executed oath or declaration, and a surcharge for its late filing.

In response, on May 16, 2005, the original petition was filed.

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

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

(2) an acceptable oath or declaration;

(3) the petition fee; and

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

Applicant lacks item (2), as set forth above.

As to item (2), an oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 still has not been presented. The declaration submitted August 25, 2005 contains the names and signature blocks of three inventors, with the other fourteen originally named inventors missing. If petitioner wishes to remove the other fourteen originally named inventors, a petition under 37 CFR 1.48 and 37 CFR 1.183 must be submitted in order to delete those inventors. If this is not the case, petitioner should submit a complete declaration in compliance with 37 CFR 1.63 and 1.64.

An oath or declaration in compliance with 37 CFR 1.63 and 1.64 signed by the joint-inventors on behalf of themselves and the non-signing inventors is REQUIRED. See MPEP 409.03(a).

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

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

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

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

Telephone inquiries related to this decision should 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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United States Patent and Trademark Office
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505 KING AVENUE
COLUMBUS, OH 43201-2693

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OFFICE OF PETITIONS

In re Application of
James E. Dvorsky, Brian Graham, Sreedhara Alavattam, Charles M. Gegenheimer, John R. Finney, Jean E. Schelhorn, Dov S. Rosenberg, Jeffrey Cafmayer, Mark R. Bauer, Robert J. Fellows, Nadim C. Moucharafieh, Ronald Alan Coffee, Alastair Bruce Pirrie, David Neville Davies, Johnathan Essex-Lopresti, Margaret Sin Ka Wan and Anna Busby
Application No. 10/982,273
Filed: November 5, 2004
For: QUICK DISSOLVING AGROCHEMICAL AND ANIMAL HEALTH PRODUCTS

DECISION GRANTING PETITION UNDER 37 CFR 1.47(a)

This is in response to the "Request For Reconsideration of Petition Under 37 CFR 1.47(a)," filed December 19, 2005.

The petition is **granted**.

Petitioner has shown that non-signing inventor, Anna Busby, cannot be found or located to join in the filing of the above-identified application.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status. As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The file is being forwarded to Technology Center 1600 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
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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ANNA BUSBY
6 DIAMOND FARM, ISLILP ROAD
OXFORDSHIRE OX5 3DR
UNITED KINGDOM

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JAN 10 2006

OFFICE OF PETITIONS

In re Application of
James E. Dvorsky, Brian Graham, Sreedhara Alavattam, Charles M. Gegenheimer, John R. Finney, Jean E. Schelhorn, Dov S. Rosenberg, Jeffrey Cafmayer, Mark R. Bauer, Robert J. Fellows, Nadim C. Moucharafieh, Ronald Alan Coffee, Alastair Bruce Pirrie, David Neville Davies, Johnathan Essex-Lopresti, Margaret Sin Ka Wan and Anna Busby
Application No. 10/982,273
Filed: November 5, 2004
For: QUICK DISSOLVING AGROCHEMICAL AND ANIMAL HEALTH PRODUCTS

Dear ANNA BUSBY:

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

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

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3228. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1 (800) 972-6382 (outside the Washington D.C. area).

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

BATTELLE MEMORIAL INSTITUTE
505 KING AVENUE
COLUMBUS, OH 43201-2693

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, Virginia 22313-1450
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COATS & BENNETT, PLLC
1400 Crescent Green, Suite 300
Cary, NC 27518

Mail Date: 04/21/2010

Applicant	: Erik Colban	: DECISION ON REQUEST FOR
Patent Number	: 7626975	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/982,299	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/04/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1009** 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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Mailed: 8-17-06

In re application of	:	
LaFollette et al.	:	DECISION ON
Serial No. 10/982,306	:	PETITION
Filed: November 5, 2004	:	
For: MICROSCOPIC BATTERIES FOR MEMS SYSTEMS	:	

This is a response to applicant's petition under 37 C.F.R. 1.181. Applicant requests that the petition to make special be granted; application be reassigned to another Examiner and that Jacqueline Stone supervise an expedited examination.

DECISION

The instant request is accepted as a timely petition under 37 C.F.R. 1.181 (no fee).

The Petition is **Granted-in-Part**.

The petition to make special is granted. The application will remain with the examiner of record, as it is best examinable by the current examiner.

Jacqueline Stone, Director
Technology Center 1700
Chemical and Materials Engineering

Lynn G. Foster
602 East 300 South
Salt Lake City, Utah 84102

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COOLEY GODWARD KRONISH LLP
ATTN: Patent Group
Suite 1100
777 - 6th Street, NW
WASHINGTON DC 20001

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OFFICE OF PETITIONS

In re Application of	:	
Jeff Ma et al.	:	
Application No. 10/982,312	:	DECISION ON PETITION
Filed: November 5, 2004	:	TO WITHDRAW
Attorney Docket No. 022234-000300US	:	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 8, 2009.

The request is **APPROVED**.

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

The request was signed by Cathy E. Cretsinger on behalf of all attorneys of record who are associated with Customer No. 20350.

All attorneys/agents associated with the Customer No. 20350 have been withdrawn.

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

All future correspondence will be directed to the assignee of record "FastMoto, LLC" at the address list below.

This application is abandoned for failure to reply in a timely manner to the final Office action mailed, July 8, 2008, that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: FastMoto, LLC
53 Woodhill Drive
Redwood City, CA 94301

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/982,312	11/05/2004	Jeff Ma	022234-000300US

CONFIRMATION NO. 8039

POWER OF ATTORNEY NOTICE

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

OC000000037179538

Date Mailed: 07/31/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/08/2009.

- 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.

/jlburke/

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

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KSOPHT0101-Z2100
OVERLAND PARK KS 66251-2100

In re Application of	:	
Robert Urbanek	:	
Application No. 10/982318	:	ON REQUEST FOR
Filing or 371(c) Date: 11/04/2004	:	RECONSIDERATION OF
Attorney Docket Number: 2446	:	PATENT TERM ADJUSTMENT

This is in response to the REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. §1.705, filed June 29, 2009. The Application for Patent Term Adjustment is properly treated under 37 CFR 1.705(b). Applicant submits that the correct patent term adjustment to be indicated on the patent is 1149 days, not 861 days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicant requests this correction solely on the basis that the Office will take in excess of three years to issue this patent.

As the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE**.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See § 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office can not make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is appropriate to dismiss as premature such a request.

Rather than file a request for reconsideration of patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicant is advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicant must timely file an application for patent term adjustment prior to the payment of the issue fee[1].

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e) for consideration of the application for patent term adjustment under 37 CFR 1.705(b).

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months after issuance pursuant to 37 CFR 1.705(d) and must include payment of the required fee under 37 CFR 1.18(e).

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

Telephone inquiries specific to this decision should be directed to Attorney Derek Woods at (571) 272-3232.

Alesia Brown
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

---

[1] For example, if applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the §1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.

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OVERLAND PARK, KS 66251-2100

Mail Date: 04/21/2010

Applicant	: Robert Urbanek	: DECISION ON REQUEST FOR
Patent Number	: 7600011	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/982,318	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/04/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1148** 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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STEPHEN DURANT
MORRISON AND FOERSTER, LLP
425 MARKET STREET
SAN FRANCISCO, CA 94105

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JUL 1 9 2006
OFFICE OF PETITIONS

In re Application of	:	
Marcel Leblanc	:	
Application No. 10/982,333	:	DECISION ON PETITION
Filed: November 4, 2004	:	TO WITHDRAW
Attorney Docket No. 306812007400	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 9, 2005.

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

A review of the file record indicates that the power of attorney to Stephen Durant has been revoked by the assignee of the patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

The correspondence address of record remains unchanged, which is the first address indicated below.

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

Amelia Au
Petitions Examiner
Office of Petitions

cc: Beyer Weaver & Thomas, LLP
Attn: Altera
P.O. Box 70250
Oakland, CA 94612-0250

cc: Godfrey Kwan
Beyer, Weaver, Thomas, LLP
Oakland City Center
500 12th Street, Suite 200
Oakland, CA 94607

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VIDAS, ARRETT & STEINKRAUS, P.A.
SUITE 400, 6640 SHADY OAK ROAD
EDEN PRAIRIE, MN 55344

Mail Date: 04/21/2010

Applicant	: Aiden Flanagan	: DECISION ON REQUEST FOR
Patent Number	: 7628807	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/982,356	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/04/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **400** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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Paper No.

DECHERT LLP
P.O. BOX 390460
MOUNTAIN VIEW CA 94039-0460

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MAR 18 2010

In re Application of	:	
Williams et al.	:	
Application No. 10/982,357	:	ON APPLICATION FOR
Filed: November 5, 2004	:	PATENT TERM ADJUSTMENT
Atty Docket No. 381828-115T1	:	
(101900)	:	
Title: THERAPEUTIC USE OF	:	
ANTI-CS1 ANTIBODIES	:	

This is in response to the "APPLICATION FOR PATENT TERM ADJUSTMENT INCLUDING REQUEST FOR RECONSIDERATION UNDER 37 CFR § 1.705(b)," filed December 22, 2009. Applicant submits that the correct patent term adjustment to be indicated on the patent is six hundred and sixty-four (664) days, not two hundred and fifty-five (255) days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicant requests this correction solely on the basis that the Office will take in excess of three years to issue this patent.

As the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE**.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See § 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As

such, the Office cannot make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is appropriate to dismiss as premature such a request.

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicant is advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicant must timely file an application for patent term adjustment prior to the payment of the issue fee.[1]

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months after issuance pursuant to 37 CFR 1.705(d) and must include payment of the required fee under 37 CFR 1.18(e).

---

[1] For example, if applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the §1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.

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

Telephone inquiries regarding this decision should be directed to Senior Attorney Paul Shanoski at (571) 272-3225.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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OFFICE OF PETITIONS

Law Offices of Brian S. Steinberger
101 Brevard Avenue
Cocoa FL 32922

In re Application of
Martin Richardson
Application No. 10/982,380
Filed: November 5, 2004
Attorney Docket No. UCF-435

: DECISION ON PETITION
: UNDER 37 CFR 1.78(a)(3) and (a)(6)

This is a decision on the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed October 13, 2006, to accept an unintentionally delayed claim under 35 U.S.C. §§120 and 119(e) for the benefit of the prior-filed applications set forth in the concurrently filed amendment.

The petition is **DISMISSED.**

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

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

The instant petition does not comply with items (1) and (3).

As to item (1), the amendment as drafted is unacceptable and, therefore, is not considered a proper reference under 37 CFR 1.78(a)(2)(i) and 37 CFR 1.78(a)(5)(i). In this regard, the amendment is physically part of the petition and, as such, does not comply with 37 CFR 1.121, 1.52, or 1.4(c). Note that 37 CFR 1.121 states that amendments are made by filing a paper, in compliance with § 1.52, directing that specified amendments be made. The pertinent section of 37 CFR 1.52 states that the claim (in this case, the claim for priority), must commence on a separate physical sheet. 37 CFR 1.4(c) states that each distinct subject must be contained in a separate

paper since different matters may be considered by different branches of the United States Patent and Trademark Office.

As to item (3), petitioner has failed to provide a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional.

Accordingly, before the petition under 37 CFR 1.78(a)(3) and 1.78(a)(6) can be granted, a renewed petition under 37 CFR 1.78(a)(3) and 37 CFR 1.78(a)(6) and either an Application Data Sheet or a substitute amendment (complying with 37 CFR 1.121 CFR 1.76(b)(5)) must be submitted.

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

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

By hand: Customer 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 Charlema Grant at (571) 272-3215.

Shirene W. Brantley

Shirene W. Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
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LAW OFFICES OF BRIAN S STEINBERGER
101 BREVARD AVENUE
COCOA FL 32922

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JAN 07 2008

OFFICE OF PETITIONS

In re Application of
Martin Richardson
Application No. 10/982,380
Filed: November 5, 2004
Attorney Docket No. UCF-435

DECISION ON PETITIONS
UNDER 37 CFR 1.78(a)(3) AND (a)(6)

This is a decision on the renewed petitions under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed July 10, 2007, to accept an unintentionally delayed claim under 35 U.S.C. §§120 and 119(e) for the benefit of the prior-filed applications set forth in the concurrently filed amendment.

The petitions are **GRANTED.**

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

(1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

Additionally, the instant nonprovisional application must be pending at the time of filing of the reference to the prior-filed provisional application as required by 37 CFR 1.78(a)(5)(ii). Further, the nonprovisional application claiming the benefit of the prior-filed provisional application must have been filed within twelve months of the filing date of the prior-filed provisional application. All the above requirements having been satisfied, the late claim for benefit of priority under 35 U.S.C. §§ 120 and 119(e) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) should not be construed as meaning that this

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

It should be noted, the application data sheet (ADS) submitted with the petition is not acceptable because it is not titled supplemental application data sheet pursuant to 37 CFR 1.76. However, since a proper reference to the prior applications was contained in the amendment submitted on July 10, 2007, the petition will be granted.

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 2882 for consideration by the examiner of the claim under 35 U.S.C. § §120 and 119(e) of the prior-filed nonprovisional and provisional applications.

Anthony Knight
Supervisor
Office of Petitions

ATTACHMENT : Corrected Filing Receipt

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

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
10/982,380	11/05/2004	2882	619	UCF-435	40	4

CONFIRMATION NO. 9841

CORRECTED FILING RECEIPT

23717
LAW OFFICES OF BRIAN S STEINBERGER
101 BREVARD AVENUE
COCOA, FL 32922

OC000000027576761

Date Mailed: 01/07/2008

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please 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)

Martin Richardson, Geneva, FL;

Power of Attorney:
Roland Dexter--17668
Joyce Morlin--29170
Brian Steinberger--36423

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/517,523 11/05/2003
and is a CIP of 10/795,814 03/08/2004 PAT 6,862,339
and is a CIP of 10/082,658 10/19/2001 PAT 6,865,255
which is a CIP of 09/881,620 06/14/2001 PAT 6,831,963
which claims benefit of 60/242,102 10/20/2000
and is a CIP of 09/685,291 10/10/2000 PAT 6,377,651
which claims benefit of 60/158,723 10/11/1999

Foreign Applications

If Required, Foreign Filing License Granted: 12/13/2004
The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 10/982,380**
Projected Publication Date: Request for Non-Publication Acknowledged
Non-Publication Request: Yes
Early Publication Request: No

** SMALL ENTITY **

Title

Nanoparticle seeded short-wavelength discharge lamps

Preliminary Class

378

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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LAW OFFICES OF BRIAN S STEINBERGER
101 BREVARD AVENUE
COCOA FL 32922

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JAN 07 2008

OFFICE OF PETITIONS

In re Application of :
Martin Richardson :
Application No. 10/982,380 :
Filed: November 5, 2004 :
Attorney Docket No. UCF-435 :

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 24, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of July 26, 2006. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is October 27, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $395.00, and the submission required by 37 CFR 1.114; (2) the petition fee of $750.00; and (3) an adequate statement of unintentional delay.

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

It is noted the petition fee at the filing of the petition was $750.00. The Office is in receipt of $1370.00, according deposit account 50-4188 will be refunded $750.00.

It is noted petitioner also contends that the failure to file a reply was unavoidable. However, the failure to submit a timely reply in the form of an RCE or Notice of Appeal in reply to the final Office Action is not unavoidable. Petitioner was informed in the Final Office Action that the statutory time period for reply could not be extended beyond the six months from the mailing of the Final Office Action. Pursuant to 37 CFR 1.116 (b), the admission of, or refusal to admit, any amendment after a final rejection, a final action, an action closing prosecution, or any related proceedings will not operate to relieve the application or patent under reexamination from its condition as subject to appeal or to save the application from abandonment under § 1.135, or the reexamination from termination. Further MPEP 711.03 (c) is clear that an amendment after final rejection will not operate to avoid abandonment of the application in the absence of a timely and proper appeal, when the applicant simply permits the maximum extendable statutory period for reply to expire while awaiting a notice of allowance or other action. The failure to submit a complete petition under 37 CFR 1.78 was not unavoidable. Nor did the filing of the petition toll the reply period provided in the Final Office Action. As such, petitioner is not entitled to unavoidable delay.

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

This application is being referred to Technology Center AU 2882 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.

Charlema Grant

Charlema Grant
Petition Attorney
Office of Petitions

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P.O. Box 1450
Alexandria, VA 22313-1450
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JOHN S. PRATT, ESQ
KILPATRICK STOCKTON, LLP
1100 PEACHTREE STREET
SUITE 2800
ATLANTA GA 30309

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JAN 27 2010

In re Application of	:	
Ramsey, et al.	:	
Application No. 10/982,392	:	ON APPLICATION FOR
Filed: November 4, 2004	:	PATENT TERM ADJUSTMENT
Atty Docket No. 37370-316233	:	

This is in response to the "PETITION REGARDING PATENT TERM ADJUSTMENT (PTA) INDICATED IN NOTICE OF ALLOWANCE" filed October 12, 2009. The petition is properly treated under 37 CFR 1.705(d). Applicants submits that the patent term adjustment to be indicated on the patent is three hundred ninety-five (395) days, not one hundred forty-two (142) 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].

It is noted that any period of adjustment will be entered in light of 35 U.S.C. 154(B) GUARANTEE OF NO MORE THAN 3-YEAR APPLICATION PENDENCY, which provides that:

> Subject to the limitations under paragraph (2), if the issue of an original patent is delayed due to the failure of the United States Patent and Trademark Office to issue a

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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.

patent within 3 years after the actual filing date of the application in the United States, not including –

(i) any time consumed by continued examination of the application requested by the applicant under section 132(b);

It is further noted that a Request for Continued Examination (RCE) was filed in this application on July 14, 2008.

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e) for consideration of the application for patent term adjustment under 37 CFR 1.705(b).

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months after issuance pursuant to 37 CFR 1.705(d) and must include payment of the required fee under 37 CFR 1.18(e).

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

Telephone inquiries specific to this decision should be directed to Kenya A. McLaughlin, Petitions Attorney, at (571) 272-3222.

Christina T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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c/o CPA Global
PO Box 52050
Minneapolis, MN 55402

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OFFICE OF PETITIONS

In re Application of Nguyen et al. :
Application No. 10/982,407 :
Filing Date: November 5, 2004 :
Attorney Docket No. 0058-048001 :

On Application For
Patent Term Adjustment

This is in response to the "Application for Patent Term Adjustment" filed July 7, 2009. Applicant submits that the correct patent term adjustment to be indicated on the patent is an unspecified number of days, not seven hundred twenty-eight (728) as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicants requests this correction solely on the basis that the Office will take in excess of three years to issue this patent.

As the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE**.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See 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 § 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, 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, applicant must timely file an application for patent term adjustment prior to the payment of the issue fee.[1]

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e) for consideration of the application for patent term adjustment under 37 CFR 1.705(b).

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months after issuance pursuant to 37 CFR 1.705(d) and must include payment of the required fee under 37 CFR 1.18(e).

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

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

[1] For example, if applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the §1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.

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BRAKE HUGHES BELLERMANN LLP
c/o CPA Global
PO Box 52050
Minneapolis, MN 55402

Mail Date: 04/20/2010

Applicant	: Phuong Binh Nguyen	: DECISION ON REQUEST FOR
Patent Number	: 7600263	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/982,407	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/05/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **966** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/982,422	11/04/2004	2622	484	9500-3	8	25	4

CONFIRMATION NO. 8317

CORRECTED FILING RECEIPT

OC000000015214632

Elizabeth A. Stanek
Myers Bigel Sibley & Sajovec, P.A.
P.O. Box 37428
Raleigh, NC 27627

Date Mailed: 02/17/2005

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Halil I. Cakir, Raleigh, NC;
Siamak Khorram, Raleigh, NC;

Power of Attorney: The patent practitioners associated with Customer Number **20792**.

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/517,430 11/05/2003

Foreign Applications

If Required, Foreign Filing License Granted: 01/24/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/982,422

Projected Publication Date: 05/26/2005

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Methods, systems and computer program products for fusion of high spatial resolution imagery with lower spatial resolution imagery using a multiresolution approach

Preliminary Class

358

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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OFFICE OF PETITIONS

In re Application of

Halil I. CAKIR, et al.
Application No. 10/982,422
Filed: November 4, 2004
Attorney Docket No. **9500-3**

DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 24, 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 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 "termination of client representation" does not meet any of the conditions set forth in 37 CFR 10.40. For petitioner's conveyance a Request for Withdrawal As Attorney or Agent and Change of Correspondence Address form PTO/SB/83 is enclosed.

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: **HALIL I. CAKIR**
2100 LANGDON ROAD
RALEIGH, NC 27604-3616

ATTACHMENT: PTO form PTO/SB/83

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OFFICE OF PETITIONS

In re Application of
Halil I. CAKIR, et al.
Application No. 10/982,422
Filed: November 4, 2004
Attorney Docket No. **9500-3**

DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 14, 2009.

The request is **APPROVED**.

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

The request was signed by Elizabeth A. Stanek 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 communications from the Office will be directed to the first named signing inventor at the address below until otherwise properly notified by the applicant.

The application became abandoned for failure to timely respond to the Final office action mailed December 11, 2008.

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

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

cc: **HALIL I. CAKIR**
2100 LANGDON ROAD
RALEIGH, NC 27604-3616

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FEB 13 2009

OFFICE OF PETITIONS

In re Application of	:	
Oliner et al.	:	
Application No. 10/982440	:	ON APPLICATION FOR
Filed: November 11, 2004	:	PATENT TERM ADJUSTMENT
Attorney Docket No.	:	
04-881-A	:	

This is in response to the REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT DETERMINATION filed December 23, 2008. Applicant requests that the determination of patent term adjustment be corrected from one hundred one (101) days to five hundred twenty-six (526) days. Applicant requests this correction on the basis that the Office will take in excess of three years to issue this patent and in light of the recent court decision in Wyeth v. Dudas, No. 07-1492 (D.D.C. September 30, 2008).

As the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, a decision is being **held in abeyance** until after the actual patent date. Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See § 1.703(b).

Applicant is given TWO (2) MONTHS from the issue date of the patent to file a written request for reconsideration of the patent term adjustment for Office failure to issue the patent within 3 years. A copy of this decision should accompany the request. Applicant may seek such consideration without payment

of an additional fee. However, as to all other bases for seeking reconsideration of the patent term adjustment indicated in the patent, all requirements of § 1.705(d) must be met. Requests for reconsideration on other bases must be timely filed and must include payment of the required fee.

Rather than file the request for reconsideration of Patent Term Adjustment at the time of the mailing of the notice of allowance, applicant is advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term pursuant to 37 CFR 1.705(d). The USPTO notes that it does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent and accordingly, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent.

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

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 Attorney Derek Woods at (571) 272-3232.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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CHICAGO IL 60606

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MAR 17 2009

OFFICE OF PETITIONS

In re Application of	:	
Jonathan Daniel Oliner et al	:	
Application No. 10/982,440	:	DECISION GRANTING PETITION
Filed: November 4, 2004	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 04-881-A	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed March 16, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on January 8, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 1642 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

---

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

Tech Center Routing Sheet

Application #	10/982440	Doc Code Date	
Date of Request	3/17/09	Doc Code (if not listed)	IMIS

☐ 136A Blanket Authorization to charge fee	☐ CRFE CRF Entered	☐ NPL Non Patent Literature
☐ A.. Amendment	☐ CTMS Misc. Office Action	☐ NRES Letter restarting period of repsonse
☐ AMSB Amendment Submitted with CPA/RCE	☐ DISQ Terminal Disclaimer Approval Form	☐ NTC.A.NONCPL Notice of Non-Compliant Amendment
☐ ANE.I Amendment After Final, Initialed by Examiner	☐ EXIN Examiner Interview	☐ PET.DEC.TC Petition Decision Routed to TC
☐ APDEC Board of Appeals Decision	☐ FOR Foreign Reference	☐ SA Supplemental Response or Amendment
☐ APEA Examiner's Answer to Appeal Brief	☐ IIFW File Wrapper Issue Information	☐ SRFW File Wrapper Search Information
☐ BIB Bibiliographic Data Sheet	☐ N271 Response to Amendment under 312	☐ SRNT Examiner Search Notes
☐ CLM Claims	☐ N570 Accepted Change to Power of Attorney	☐ WCLM Claim Worksheet
☐ CLMPTO USPTO Prepared Claim Set	☐ NFDR Formal Drawings Required	☐ WFEE Fee Worksheet
☐ CRFD CRF Defective	☐ NOA Notice of Allowability or Allowance	☐ XRUSH Response to a Printer Query

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Date : March 17, 2009

TO : Director, Office of Patent Publication

FROM : Office of Petitions

SUBJECT : Withdrawal from Issue of **Application No. 10/982,440**

Applicant(s) : Jonathan Daniel Oliner et al
Application No. : 10/982,440
Filed : November 4, 2004

The above-identified application has been assigned Patent No. 7,507,409 and an issue date of March 24, 2009.

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 March 24, 2009:

> **"All reference to Patent No. 7,507,409 to Jonathan Daniel Oliner et al of California for ANGIOPOIETIN-2 SPECIFIC BINDING AGENTS appearing in the Official Gazette of March 24, 2009 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
Lamont Fletcher

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OFFICE OF PETITIONS

In re Application of	:	
Oliner et al.	:	
Application No. 10/982440	:	ON REQUEST FOR RECONSIDERATION
Filing or 371(c) Date: 11/04/2004	:	OF THE PATENT TERM ADJUSTMENT
Atty Docket No.:	:	
04-881-A	:	

This decision is in response to the REQUEST FOR RECONSIDERATION OF THE PATENT TERM ADJUSTMENT UNDER 37 C.F.R. 1.705(b)-(d), filed August 17, 2009. Applicants submit that the correct patent term adjustment to be indicated on the patent is 528 days, not 101 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. This matter is being properly treated under 37 CFR 1.705(b).

As the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE**.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See § 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office can not make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected

issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is appropriate to dismiss as premature such a request.

Rather than file 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).

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

Telephone inquiries specific to this decision should be directed to Attorney Derek Woods at (571) 272-3232.

/ALESIA M. BROWN/

Alesia Brown
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

---

[1] For example, if applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the §1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.

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CHICAGO, IL 60606

Mail Date: 04/21/2010

Applicant	: Jonathan Daniel Oliner	: DECISION ON REQUEST FOR
Patent Number	: 7658924	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/982,440	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/04/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **530** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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Morristown, NJ 07962-2245

Mail Date: 04/20/2010

Applicant	: Derek Raybould	: DECISION ON REQUEST FOR
Patent Number	: 7638178	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/982,445	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/05/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1353** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/982,450	11/05/2004	2835	920	5000-5217	4	17	1

CONFIRMATION NO. 1549

CORRECTED FILING RECEIPT

OC000000016370127

Morgan & Finnegan, L.L.P.
3 World Financial Center
New York, NY 10281-2101

Date Mailed: 06/24/2005

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 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)

Katsuyuki Kajiura, Aichi, JAPAN;

Power of Attorney:

Arnold Rady--26601
Andrew Riddles--31657
Michael Marcus--31727
Steven Meyer--35613

Domestic Priority data as claimed by applicant

Foreign Applications

JAPAN P2003-377646 11/07/2003

If Required, Foreign Filing License Granted: 01/25/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/982,450

Projected Publication Date: 07/07/2005

Non-Publication Request: No

Early Publication Request: No

Title

Electronic equipment

Preliminary Class

361

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.

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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KARUNA OJANEN
OLO - OJANEN LAW OFFICES
INTELLECTUAL PROPERTY LAW
2665 RIVERSIDE LANE NE
ROCHESTER, MN 55906-3456

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APR 13 2005

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Narang, et al. :
Application No. 10/982,475 :
Filed: November 5, 2004 :
Attorney Docket No. JP920010146US2 :

This is a decision on papers filed on March 10, 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 November 5, 2004, including Figure 4 described in the specification.

The application was submitted on November 5, 2004. However, on January 26, 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 Figure 4 described in the specification appears to have been omitted.

In response, on March 10, 2005, the instant petition was submitted. Petitioner argues that Figure 4 described in the specification was in fact filed on November 5, 2004.

In support, petitioner has submitted a stamped postcard receipt that indicates the receipt in the PTO on November 5, 2004 of the following:

> "Patent Application Transmittal (2 copies)
> Continuation Utility Patent Application
> Declaration/Power of Attorney
> Information Disclosure Statement, PTO Form 1440, Reference
> Change of Attorney Address and Associate Power of Attorney"

Petitioner's arguments have been considered, but are 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 that Figure 4 described in the specification was not filed on November 5, 2004. Figure 4 described in the specification was not filed on November 5, 2004, since no such Figure is 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 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.

Petitioner has submitted a postcard receipt that contains the PTO stamp the assigns the application number to the papers and date-stamped by the PTO as received on November 5, 2004. However, the postcard as noted above, does not specifically list the items submitted in the application on that date. No sheets of drawings or Figures are found to be itemized or properly identified on the postcard.

Accordingly, the petition must be dismissed.

It is noted that the application transmittal letter identified this application as a continuation application of prior application No. 09/971,755, filed October 5, 2001, 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 Figure 4 described in 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.

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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ROBERT M. STORWICK
P.O. BOX 386
MERCER ISLAND, WA 98040

In re application of	:	**DECISION ON PETITION**
Gordon Tang	:	**TO MAKE SPECIAL**
Application No. 10/982,511	:	**(APPLICANT'S AGE)**
Filed: November 05, 2004	:	
For: DOOR AND WINDOW SECUREMENT APPARATUS AND METHOD OF USE THEREOF		

This is a decision on the petition submitted on February 18, 2005 under 37 CFR 1.102 (c) to make the above-identified application special under the accelerated examination procedure set forth in MPEP 708.02, Section IV: Applicant's Age.

The petition is **GRANTED**.

An application may be accorded special status upon the filing of a petition providing evidence showing that the applicant is at least 65 years old. Such a showing may be provided by evidence such as a birth certificate or a statement from the applicant.

The evidence submitted with the petition is a signed declaration indicating Mr. Tang 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: 03/04/05

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ROBERT M. STORWICK
PO BOX 386
MERCER ISLAND WA 98040

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FEB 14 2007

OFFICE OF PETITIONS

In re Application of	:	
Gordon Tang	:	
Application No. 10/982,511	:	DECISION ON PETITION
Filed: 5 November, 2004	:	
Attorney Docket No. TG1143C4	:	

This is a decision on the petition filed on 22 November, 2006, under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on 28 July, 2006, for failure to timely reply to the Office action requiring restriction and/or election mailed on 27 June, 2006, which set a one (1) month or 30 day period for reply. No extensions of the time for reply were obtained under 37 CFR 1.136(a). Notice of Abandonment was mailed on 10 February, 2006.

Petitioner has filed a provisional election of claims.

---

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

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

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

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

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

The application is being referred to Technology Center Art Unit 3676 for further processing.

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

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

WINSTON & STRAWN LLP
PATENT DEPARTMENT
1700 K STREET, N.W.
WASHINGTON DC 20006

In re Application :
Bogin, et al. :
Application No. 10/982,514 : PATENT TERM ADJUSTMENT
Filed: November 5, 2004 :
Dkt. No.: 81408-4800 :

This decision is in response to the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. §1.705(b)," filed April 1, 2009.

The Determination of Patent Term Adjustment under 35 USC 154(b) was mailed January 5, 2009. The instant application was timely filed April 1, 2009 along with the issue fee payment. Applicants contest the adjustment insofar as it relates to the Office's failure to issue the patent within three years of the filing date of the application pursuant to 37 CFR 1.703(b) in view of Wyeth v. Dudas, No. 07-1492 (D.D.C. September 30, 2008). Applicants request that the adjustment be increased from 326 days to 753 days.

To the extent that this application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, a decision is being **held in abeyance** until after the actual patent date. Knowledge of the actual date the patent issues is ordinarily required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See, 37 CFR 1.703(b). It is noted that at the time of this decision, the patent has not issued.

Applicants are given **TWO (2) MONTHS** from the issue date of the patent to file a written request for reconsideration of the patent term adjustment for Office failure to issue the patent within 3 years. A copy of this decision should accompany the request. Applicants may seek such consideration without payment

of an additional fee. However, as to all other bases for seeking reconsideration of the patent term adjustment indicated in the patent, all requirements of § 1.705(d) must be met. Requests for reconsideration on other bases must be timely filed and must include payment of the required fee.

With respect to the over 3 year calculation, rather than file the request for reconsideration of Patent Term Adjustment 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 pursuant to 37 CFR 1.705(d). The USPTO notes that it does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent and accordingly, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent.

The Office hereby acknowledges receipt of the required $200.00 application fee set forth at 37 CFR 1.18(e).

The application file is being forwarded to the Office of Patent Publication 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 matter should be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

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

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OFFICE OF PETITIONS

In re Application of	:
Murphy, Smith and Brown	:
Application No. 10/982,531	: DECISION ACCORDING STATUS
Filed: November 5, 2004	: UNDER 37 CFR 1.47(a)
For: Method and System for Managing	:
User Interface Messages	:

This is in response to the petition under 37 CFR 1.47(a), filed February 18, 2005 (certificate of mailing dated February 14, 2005).

The petition is granted.

Petitioner has shown that Stephen Brown, 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 Donna J. Coningsby establishes that the inventor was presented with a copy of the application papers, including the specification, claims and drawings, but failed to respond to the request that he sign the declaration.

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

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

The Office finance records indicate that petitioner submitted a petition fee of $130.00 on February 18, 2005. However, the

correct petition fee is $200.00. Accordingly, Deposit Account No. 03-1740 was charged the difference of $70.00.

This matter is being referred to Technology Center Art Unit 2126.

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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Microsoft Corporation
One Microsoft Way
Redmond, WA 98052

Mail Date: 04/21/2010

Applicant	: Shawn M. Murphy	: DECISION ON REQUEST FOR
Patent Number	: 7657554	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/982,531	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/05/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **319** 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 & LARDNER LLP
P.O. BOX 80278
SAN DIEGO, CA 92138-0278

Mail Date: 04/21/2010

Applicant	: Maher Albitar	: DECISION ON REQUEST FOR
Patent Number	: 7569353	: RECALCULATION of PATENT
Issue Date	: 08/04/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/982,534	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/04/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **333** 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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CLEVELAND OH 44114-2653

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OFFICE OF PETITIONS

In re Application of
Zimmerly, et al. :
Application No. 10/982,536 : ON PETITION
Filed: 5 November, 2004 :
Attorney Docket No. 11924-00279 :

This is a decision on the papers submitted and considered as a petition filed on 28 April, 2005, under 37 C.F.R. §1.47(a).

For the reasons set forth below, the petition under 37 C.F.R. §1.47(a) is **DISMISSED**.

NOTES:

(1) Any reply must include a renewed petition (and fee) must include a petition under 37 C.F.R. §1.47 and must be submitted within two (2) months from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Petition under 37 C.F.R. §1.47";

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

BACKGROUND

The record indicates:

- the instant application was filed on 5 November, 2004, without, *inter alia*, a fully executed oath/declaration;

- on 23 December, 2004, the Office mailed a Notice of Missing Parts indicating, *inter alia*, that a fully executed oath/declaration was required within two months;

- on 28 April, 2005, a statement by Petitioner Todd A. Benni (Reg. No. 42,313) filed, *inter alia*, the instant petition, along with an oath/declaration containing the signatures of named co-inventors Zimmerly and Edelman (for themselves and on behalf of) but without the signature of named non-signing co-inventor Donald J. Denewith (Mr. Denewith), a narration the statement of, and an averment that the oath or declaration was presented to Mr. Denewith–however, the transmittal letter speaks only to the oath/declaration and assignment and thus does not demonstrate that the entire application (description, claims, abstract, drawings) was presented to the non-signing inventor Mr. Denewith along with the oath or declaration. Moreover, Petitioner fails to make a statement over his signature and registration number as to the last known and most current address for the non-signing inventor and evidence of how that currency was ensured.

ANALYSIS

The regulations at 37 C.F.R. §1.47 provide in pertinent part:

> **§ 1.47 Filing when an inventor refuses to sign or cannot be reached.**
> (a) If a joint inventor refuses to join in an application for patent or cannot be found or reached after diligent effort, the application may be made by the other inventor on behalf of himself or herself and the nonsigning inventor. The oath or declaration in such an application must be accompanied by a petition including proof of the pertinent facts, the fee set forth in § 1.17(h), and the last known address of the nonsigning inventor. The nonsigning inventor may subsequently join in the application by filing an oath or declaration complying with §1.63.
> * * *

The regulations at 37 C.F.R. §1.63 provide in pertinent part:

> **§1.63 Oath or declaration.**
>
> (b) In addition to meeting the requirements of paragraph (a)of this section, the oath or declaration must also:
>
> (1)Identify the application to which it is directed;

> (2) State that the person making the oath or declaration has reviewed and understands the contents of the application, Including the claims, as amended by any amendment specifically referred to in the oath or declaration; and
>
> (3) State that the person making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in § 1.56.

When one alleges a refusal of the inventor to sign the application papers, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who, *inter alia*, presented the inventor with the application papers and/or to whom the refusal was made.

The commentary at MPEP §409.03(d) provides:

> **409.03(d) Proof of Unavailability or Refusal**
>
> INVENTOR CANNOT BE REACHED
>
> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 C.F.R. §1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made.
>
> The fact that a nonsigning inventor is on vacation or out of town and is therefore temporarily unavailable to sign the declaration is not an acceptable reason for filing under 37 C.F.R. §1.47.
>
> Furthermore, the fact that an inventor is hospitalized and/or is not conscious is not an acceptable reason for filing under 37 C.F.R. §1.47. 37 C.F.R. §1.43 may be available under these circumstances. See MPEP §409.02. Such a petition under 37 C.F.R. §1.47 will be dismissed as inappropriate.
>
> The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included statement of facts. It is important that

the statement contain facts as opposed to conclusions.

REFUSAL TO JOIN

A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. The fact that an application may contain proprietary information does not relieve the 37 C.F.R. §1.47 applicant of the responsibility to present the application papers to the inventor if the inventor is willing to receive the papers in order to sign the oath or declaration. It is noted that the inventor may obtain a complete copy of the application, unless the inventor has assigned his or her interest in the application, and the assignee has requested that the inventor not be permitted access. See MPEP §106. It is reasonable to require that the inventor be presented with the application papers before a petition under 37 C.F.R. §1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).

Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.

Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient.

When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.

When it is concluded by the 37 C.F.R. §1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should

> be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

Thus, not only must a copy of the entire application must be sent to the last known address of the non-signing inventor (or the estate representative) with a request that he/she sign the declaration for the patent application–and evidence of that transmittal submitted–but also a reasonable effort must be made to ascertain a current or last known address, and the petition (with fee) must state over the signature and registration number of the Petitioner the last known address and, if appropriate, evidence of the due diligence effort ascertaining same.

Alternatively, an oath or declaration for the patent application in compliance with 37 C.F.R. §§1.63 and 1.64 must be presented.

(The declaration must set forth the inventor's residence, citizenship and post office address. An oath or declaration in compliance with 37 C.F.R. §§1.63 and 1.64 signed by the Rule 1.47 applicant is required.[1])

CONCLUSION

The record as it stands shows no effort to comply with the regulations and provide a last known address for the non-signing inventors, a showing of a diligent effort to obtain same, or the transmission of the entire application (description, claims, abstract and drawings)–as evidenced by a copy of the transmittal letter describing same. The evidence of these requirements should be submitted with any renewed petition.

Therefore, the instant petition hereby is **dismissed**.

Further correspondence with respect to this matter should be addressed as follows:[2]

---

[1] See: MPEP 409.03(b).

[2] On July 15, 2005, the Central Facsimile (FAX) Number will change from (703) 872-9306 to (571) 273-8300. Faxes sent to the old number will be routed to the new number until September 15, 2005. After September 15, 2005, the old number will no longer be in service and (571) 273-8300 will be the only facsimile number recognized for centralized delivery. (For further information. see: http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/cfax062005.pdf .)

By mail: Commissioner for Patents[3]
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: IFW Formal Filings
(571) 273-8300
ATTN.: Office of Petitions

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

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

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

[3] To determine the appropriate addresses for other subject-specific correspondence, refer to the USPTO Web site at www.uspto.gov.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JJGJR.: 02-06

Paper No: __

MCDONALD HOPKINS CO., LPA
2100 BANK ONE CENTER
600 SUPERIOR AVENUE, E.
CLEVELAND OH 44114-2653

COPY MAILED

FEB 28 2006

OFFICE OF PETITIONS

In re Application of
Zimmerly, et al. :
Application No. 10/982,536 : ON PETITION
Filed: 5 November, 2004 :
Attorney Docket No. 11924-00279 :

This is a decision on the petition filed on 22 November, 2005, under 37 C.F.R. §1.47(a).

For the reasons set forth below, the petition under 37 C.F.R. §1.47(a) is **GRANTED**.

BACKGROUND

The record indicates:

- the instant application was filed on 5 November, 2004, without, *inter alia*, a fully executed oath/declaration;

- on 23 December, 2004, the Office mailed a Notice of Missing Parts indicating, *inter alia*, that a fully executed oath/declaration was required within two months;

- on 28 April, 2005, a statement by Petitioner Todd A. Benni (Reg. No. 42,313) filed, *inter alia*, the original petition, along with an oath/declaration containing the signatures of named co-inventors Zimmerly and Edelman (for themselves and on behalf of) but without the signature of named non-signing co-inventor Donald J. Denewith (Mr. Denewith), a narration the statement of, and an averment that the oath or declaration was presented to

Mr. Denewith–however, on 22 July, 2005, the petition was dismissed, *inter alia*, because the transmittal letter spoke only to the oath/declaration and assignment and thus does not demonstrate that the entire application (description, claims, abstract, drawings) was presented to the non-signing inventor Mr. Denewith along with the oath or declaration and Petitioner failed to make a statement over his signature and registration number as to the last known and most current address for the non-signing inventor and evidence of how that currency was ensured;

- the instant petition seeks to and does overcome those deficiencies, with, inter alia, the acknowledgment by the non-signing inventor of receipt of documents but nonetheless has failed to sign and submit the oath/declaration.

Lastly, Petitioner has submitted a declaration in compliance with 37 C.F.R. §1.63 and §1.64.

This application and papers have been reviewed and found in compliance with 37 C.F.R. §1.47(a).

This application hereby is **ACCORDED status under 37 C.F.R. §1.47(a)**.

As provided under 37 C.F.R. §1.47(a), the Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition.

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

This file is being released to OIPE for processing as necessary to reflect the instant decision before being released for examination in due course.

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

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

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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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JJGJR.: 02-06

Paper No: __

DONALD J. DENEWITH
8218 DALTON ROAD
ONSTED, MI 49265

COPY MAILED

FEB 28 2006

OFFICE OF PETITIONS

In re Application of
Zimmerly, et al. :
Application No. 10/982,536 : COMMUNICATION
Filed: 5 November, 2004 :
Attorney Docket No. 11924-00279 :

Dear Donald J. Denewith:

You are named as inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. §116 (United States Code), and 37 C.F.R. §1.47,[1] ¶a, Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 C.F.R. §1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding

---

[1] The regulations at 37 C.F.R. §1.47 provide:

§ 1.47 Filing when an inventor refuses to sign or cannot be reached.

(a) If a joint inventor refuses to join in an application for patent or cannot be found or reached after diligent effort, the application may be made by the other inventor on behalf of himself or herself and the nonsigning inventor. The oath or declaration in such an application must be accompanied by a petition including proof of the pertinent facts, the fee set forth in §1.17(h), and the last known address of the nonsigning inventor. The nonsigning inventor may subsequently join in the application by filing an oath or declaration complying with §1.63.

(b) Whenever all of the inventors refuse to execute an application for patent, or cannot be found or reached after diligent effort, a person to whom an inventor has assigned or agreed in writing to assign the invention, or who otherwise shows sufficient proprietary interest in the matter justifying such action, may make application for patent on behalf of and as agent for all the inventors. The oath or declaration in such an application must be accompanied by a petition including proof of the pertinent facts, a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage, the fee set forth in §1.17(h), and the last known address of all of the inventors. An inventor may subsequently join in the application by filing an oath or declaration complying with §1.63.

© The Office will send notice of the filing of the application to all inventors who have not joined in the application at the address(es) provided in the petition under this section, and publish notice of the filing of the application in the *Official Gazette*. The Office may dispense with this notice provision in a continuation or divisional application, if notice regarding the filing of the prior application was given to the nonsigning inventor(s).

[47 Fed. Reg. 41275, Sept. 17, 1982, effective Oct. 1, 1982; 48 Fed. Reg. 2709, Jan. 20, 1983, effective Feb. 27, 1983; revised, 62 Fed. Reg. 53131, Oct. 10, 1997, effective Dec. 1, 1997; revised, 65 Fed. Reg. 54604, Sept. 8, 2000, effective Nov. 7, 2000]

through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 C.F.R. §1.63.

Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733.

Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or toll-free: (800) 972-6382 (outside the Washington D.C. area).

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

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

Counsel of Record:
MCDONALD HOPKINS CO., LPA
2100 BANK ONE CENTER
600 SUPERIOR AVENUE, E.
CLEVELAND OH 44114-2653

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/982,540	11/05/2004	2171	1070	10033.000710	6	23	2

CONFIRMATION NO. 8069

UPDATED FILING RECEIPT

OC000000015637429

000031894
OKAMOTO & BENEDICTO, LLP
P.O. BOX 641330
SAN JOSE, CA 95164

Date Mailed: 04/04/2005

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)

Yun-Chian Cheng, Saratoga, CA;

Power of Attorney: The patent practitioners associated with Customer Number **000031894**.

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/526,694 12/03/2003

Foreign Applications

If Required, Foreign Filing License Granted: 01/25/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/982,540

Projected Publication Date: Request for Non-Publication Acknowledged

Non-Publication Request: Yes

Early Publication Request: No

Title

Method and architecture for blocking email spams

Preliminary Class

707

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

GRANTED

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

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

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

NOT GRANTED

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

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IVAN DAVID ZITKOVSKY PH.D PC
5 MILITIA DRIVE
LEXINGTON MA 02421

9/5/08

In re Application of CHANCE, BRITTON Serial No.: 10/982,542 Filed: Nov. 5, 2004 Docket: N2-046US3 Title: IMAGING AND CHARACTERIZATION OF BRAIN TISSUE	DECISION ON PETITION TO WITHDRAW FINALITY OF REJECTION AS PREMATURE UNDER 37 CFR § 1.181

This is a decision on the petition filed on Sep. 3, 2008 by which petitioner requests withdrawal of the finality of the Office Action dated Mar. 27, 2008. The petition is considered pursuant to 37 CFR § 1.181, and no fee is required.

The petition is granted.

Petitioner requests that the finality of the Office action mailed Mar. 27, 2008 be withdrawn because no amendment by the Applicant necessitated a new provisional nonstatutory obviousness-type double patenting rejection under the co-pending application SN 11/432799. However, in response to the final Office action of Mar. 27, 2008, the applicants also filed an amendment to the claims on Jun. 27, 2008 and traversed the provisional nonstatutory obviousness-type double patenting rejection.

A review of the prosecution history, there was no amendment to the claims filed on Feb. 25, 2008 which necessitated the provisional nonstatutory obviousness-type double patenting rejection. As such, the Mar. 27, 2008 final office action is premature and thus the finality of the action is hereby withdrawn. The examiner is directed to enter the amendment filed on Jun. 27, 2008. Since the finality is being withdrawn, the amendment responding to the Office action dated Mar. 27, 2008 will be treated as a 37 CFR § 1.111 amendment.

Any questions regarding this decision should be directed to Special Program Examiner, Henry Yuen, at 571-272-4856.

PETITION GRANTED

Frederick R. Schmidt, Director
Technology Center 3700

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DIW May-10

EDWARDS ANGELL PALMER & DODGE LLP
P.O. BOX 55874
BOSTON MA 02205

MAILED

MAY 20 2010

OFFICE OF PETITIONS

In re Application of	:	
Davies et al.	:	
Application Number: 10/982545	:	ON PETITION
Filing Date: 11/06/2004	:	
Attorney Docket Number: 016866-011550US	:	

This is a decision on the petition under 37 CFR 1.137(b) filed on February 18, 2010.

The petition is **GRANTED**.

This application became abandoned on June 7, 2009, for failure to timely submit a proper reply to the non-final Office action mailed on March 6, 2009, which set a three (3)-month shortened statutory period for reply. No extensions of time in accordance with 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on September 18, 2009.

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.[1] 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.

[1] See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1208 Off. Gaz. Pat. Office 63, 103 (October 21, 1997).

Receipt of the amendment filed on February 18, 2010, is acknowledged.

The application is referred to Technology Center Art Unit 1649 for further processing.

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

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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Alexandria, VA 22313-1450
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JUN 22 2009

OFFICE OF PETITIONS

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

In re Application of	:	
Jeff Ma et al.	:	
Application No. 10/982,553	:	DECISION ON
Filed: November 5, 2004	:	PETITION TO WITHDRAW
Attorney Docket No. 022234-000600US	:	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 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 Cathy E. Cretsinger on behalf of attorney/agents associated with customer number 20350. All attorneys/agents associated with customer number 20350 have been withdrawn.

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

The correspondence address has been changed and is copied below.

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

Kimberly Inabinet

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: FastMotto, LLC
53 Woodhill Drive
Redwood City, CA 94301

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/982,553	11/05/2004	Jeff Ma	022234-000600US

CONFIRMATION NO. 9298

POWER OF ATTORNEY NOTICE

OC000000036584910

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

Date Mailed: 06/22/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/08/2009.

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

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MAR 1 2 2010

OFFICE OF PETITIONS

In re Application of	:	
Akil et al.	:	
Application No. 10/982,556	:	DECISION ON PETITION
Filed: November 4, 2004	:	
Attorney Docket No. 020885-001110US	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 8, 2009, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to reply in a timely manner to the non-final Office action mailed June 3, 2009. No extensions of time under the provisions of 37 CFR 1.136(a) were timely obtained. Accordingly, this application became abandoned on September 4, 2009. A Notice of Abandonment was mailed on March 4, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Notice of Appeal and fee of $270.00; (2) the petition fee of $810.00; and (3) a proper statement of unintentional delay.

The two-month period for filing an appeal brief under 37 CFR 41.37 (accompanied by the fee required by 37 CFR 41.20(b)(2)), runs from the date of this decision.

Additionally, 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 December 8, 2009 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be refunded to petitioner's deposit account in due course.

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

This application is being referred to Technology Center AU 1633 to await the filing of an appeal brief or for such other appropriate reply as may be submitted to continue prosecution of the application.

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions

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Paper No.

Mark Superko
Varian Semiconductor
Equipment Associates, Inc.
35 Dory Lane
Gloucester MA 01930-2297

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DEC 29 2006
OFFICE OF PETITIONS

In re Application of	:
Wilhelm Platow, John Cracchiolo	:
Stanislav Todorov and Jaime Reyes	: DECISION REFUSING STATUS
Application No. 10/982,561	: UNDER 37 C.F.R. § 1.47(a)
Filed: November 5, 2004	:
Attorney Docket No. VSEA 34-02	:

This is in response to the paper styled "UNAVAILABILITY OF INVENTOR FACTS" filed June 20, 2005. This paper is being treated as a petition under 37 CFR 1.47(a) to accept a declaration without the signature of inventor Reyes. This paper was recently forwarded to the undersigned for consideration.

The petition is **DISMISSED**.

Rule 47 applicants are given **TWO MONTHS** from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 C.F.R. §1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath(s) or declaration(s) executed by the non-signing inventor(s). Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 C.F.R. §1.136(a).

The above-identified application was filed on November 5, 2004, without an executed oath or declaration but with an application data sheet. By Notice to File Missing Parts of Nonprovisional Application mailed December 16, 2004, applicants were required

to submit an executed oath or declaration and the surcharge for its late filing. The Notice set a two (2) month time limit for response, with extensions of time obtainable under § 1.136(a).

In response, applicants filed the instant petition (and petition fee), and the required late surcharge. Accompanying the petition was a declaration executed by joint inventors Platow, Cracchiolo and Todorov on behalf of themselves and on behalf of non-signing joint inventor Reyes. Applicants assert that status under 1.47(a) is proper because joint inventor Reyes could not be reached for signature of the Declaration and Power of Attorney despite a diligent effort to contact inventor Reyes. Practitioner Superko set forth the facts relied on to conclude that inventor Reyes is unavailable to join in the application. This response was made timely by an accompanying petition and fee for extension for response within the fourth month.

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

The instant petition does not satisfy requirement (1). The Office cannot conclude that inventor Reyes could not be reached or found after diligent effort. Rule 47 applicants stated that Internet searches of internet sites for address, phone number and people finder by the Varian Legal Department has not indicated any new information. Further evidence of these efforts is required to support a conclusion that inventor Reyes could not be reached or found after diligent effort. Petitioner's statement is not accompanied by details of these efforts to reach or locate the non-signing inventor set forth in an affidavit or declaration of facts by a person with first hand knowledge of the details. Applicants should also submit documentary evidence such as the results of any E-mail or Internet searches.

Rule 47 applicants also have not submitted adequate proof that the non-signing inventor, by his conduct in not responding to the request to sign the declaration, has refused to join in the application. Before a refusal can be alleged, applicants must

demonstrate that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the non-signing inventor. A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. See MPEP 409.03(d). The evidence submitted only supports a conclusion that the declaration and power of attorney was presented to the inventor at his last known address. Thus, refusal cannot be inferred.

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
ATTN: NANCY JOHNSON

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

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No.

Mark Superko
Varian Semiconductor
Equipment Associates, Inc.
35 Dory Lane
Gloucester MA 01930-2297

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MAY 07 2007

OFFICE OF PETITIONS

In re Application of	:
Wilhelm Platow, John Cracchiolo	:
Stanislav Todorov and Jaime Reyes	: DECISION NOTING JOINDER
Application No. 10/982,561	: OF INVENTOR AND PETITION
Filed: November 5, 2004	: UNDER 37 CFR 1.47(a) MOOT
Attorney Docket No. VSEA 34-02	:

This is in response to the "Request for Reconsideration of Petition Under 37 C.F.R. §1.47(a)" filed January 23, 2007.

The petition is **DISMISSED AS MOOT**.

The above-identified application was filed on November 5, 2004, without an executed oath or declaration but with an application data sheet. In response to the Notice to File Missing Parts of Nonprovisional Application mailed December 16, 2004, on June 20, 2005, applicants filed the initial petition under § 1.47(a) on the basis that joint inventor Reyes was unavailable to join in the application. By decision mailed December 29, 2006, the petition was dismissed for failure to submit adequate proof that the non-signing inventor cannot be reached or found, after diligent effort, or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings).

On instant renewed petition, applicants have submitted a declaration executed by previously non-signing inventor Reyes.

The declaration has been reviewed and found in compliance with 37 CFR 1.63.

In view of the joinder of the inventor, further consideration under 37 CFR 1.47(a) is not necessary and the petition is considered moot. This application does not have any Rule 1.47(a) status and no such status should appear on the file wrapper. This application need not be returned to this Office for further consideration under 37 CFR 1.47(a).

This application will be examined in due course.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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4417 LANCASTER PIKE
WILMINGTON, DE 19805

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MAR 09 2009

OFFICE OF PETITIONS

In re Application of	:	
Joseph Brian Hovanec	:	
Application No. 10/982,572	:	ON PETITION
Filed: November 5, 2004	:	
Attorney Docket No. TK4000USNA	:	

This is a decision on the petition under 37 CFR 1.137(b), filed January 21, 2009, to revive the above-identified application.

The application became abandoned for failure to file a reply to the non-final Office action mailed on April 1, 2008. A Notice of Abandonment was mailed on November 6, 2008.

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

This application file is being referred to Technology Center Art Unit 1791 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

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

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FEB 23 2007

OFFICE OF PETITIONS

Yi Li
Cuspa Technology Law Associates
11820 SW 107 Avenue
Miami, FL 33176

In re Application of

Gregory Coogle
Application No. 10/982,573
Filed: November 5, 2004
Attorney Docket No. 104.01

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 26, 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 Yi Li, the sole attorney of record.

Yi Li has been withdrawn as attorney and/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 Gregory Coogle at the address indicated below.

There is an outstanding Office action mailed January 5, 2007 that requires a reply from the applicant.

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

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Gregory Coogle**
492 NW 162nd Avenue
Pembroke Pines, FL 33028

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PERKINS COIE LLP
P.O. BOX 1208
SEATTLE WA 98111-1208

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OFFICE OF PETITIONS

In re Application of :
Nehru BHANDARU, et al :
Application No. 10/982,598 : DECISION ON PETITION
Filed: November 4, 2004 :
Docket No. 41434-8012.US01 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 21, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, February 21, 2008, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on May 22, 2008.

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

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney document must be submitted.

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

This application is being referred to Technology Center AU 2157 for appropriate action by the Examiner in the normal course of business on the reply received May 21, 2009.

Thurman K. Page
Petitions Examiner
Office of Petitions

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

Robert Samuel Smith
1263 Emory Street
San Jose, CA 95126

MAIL

APR 1 3 2005

DIRECTOR OFFICE
TECHNOLOGY CENTER 2100

In re Application of:
Robert Samuel SMITH, et al.
Application No. 10/982,599
Filed: November 5, 2004
For: SYSTEM FOR SCHEDULING AND MONITORING A PROJECT

DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the petitions under 37 C.F.R. § 1.102(c) and M.P.E.P. § 708.02, Section IV: Applicant's Age, December 29, 2004 and February 7, 2005 to make the above-identified application special.

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

The petition includes a statement that the applicant, Robert Samuel Smith, is over sixty five (65) years of age.

Accordingly, the petition is GRANTED. The application is being forwarded to the examiner for expedite prosecution.

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

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

Mr. Lynn G. Foster, L.C.
602 East 300 South
Salt Lake City, UT 84102

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MAY 27 2005

OFFICE OF PETITIONS

In re Application of :
LaFollette et al. :
Application No. 10/982,606 :
Filed: November 5, 2004 :
Attorney Docket No. 7310.D2C :
For: Microscopic Batteries for MEMS Systems :

Decision on Petition

This is a decision on the petition under 37 CFR 1.182, requesting, in effect, that page 57 filed on February 4, 2005, be entered as part of the original disclosure.

The petition is **dismissed**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are NOT permitted.

Facts:

The application was filed on November 5, 2004.

The application is a continuation of application no. 10/350,474. The prior application, as filed, did not include a copy of page 57 of the specification. A Notice of Omitted Items was mailed in that application on April 21, 2003.

The instant application was filed using a copy of the prior application. As a result, the instant application was not filed with page 57 of the specification. On January 27, 2005, the Office of Initial Patent Examination mailed a "Notice of Omitted Item(s)" stating that the application had been accorded a filing date of November 5, 2004, and advising applicants that page 57 appeared to have been omitted.

In response, the present petition was filed.

Discussion:

The application can not be given a filing date of February 1, 2004. Original application papers do not receive the benefit of 37 CFR 1.8. Since petitioner seeks to have page 57 be treated as part of the original application papers, the date of receipt of page 57, which is February 4, 2004, is the date which will be assigned if a petition under 37 CFR 1.182 is subsequently granted.

The petition is not accompanied by a new declaration under 37 CFR 1.63 signed by the inventors.The only declaration which has been filed is a copy of the declaration from the parent application which was filed with the original application.

A copy of a declaration from a parent application can be used for a child application if certain requirements. One of these requirements is that the specification filed in the child application contain no matter that would have been new matter in the prior application. Page 57 was not part of the prior application. The record from the prior application fails to indicate page 57 was ever entered. In fact, it would have been impermissible to enter page 57 which was filed later in the

case since petitioner did not have a petition granted for entry of the page and the matter on the page was not presented, and entered, via a formal amendment.

Petitioner has not stated that entry of page 57 would not result in the entry of new matter. Petitioner has the following options:

If petitioner believes entry of page 57 might introduce add new matter, petitioner may wish to pursue one of the two choices listed below.

A. Submit a new declaration under 37 CFR 1.63 signed by the inventors.
B. Choose not to renew the petition to add the page, but instead prosecute the application with the original filing date using only the papers filed on November 5, 2004. If petitioner chooses option B, petitioner may wish to submit his intent in writing so that the Office will know it should not wait for a reply to the instant decision but may instead continue to prepare the application for examination.

If petitioner believes entry of the page 57 will not introduce new matter, petitioner may wish to purse one of the two choices below.

A. Choose not to renew the petition to add the page, but instead prosecute the application with the original filing date using only the papers filed on November 5, 2004. Petitioner could then add the matter on page 57 by simply filing a preliminary amendment which should be entered if the examiner determines the amendment does not seek to add new matter.
B. File a renewed petition seeking reconsideration and explicitly state that entry of page 57 will not introduce new matter. If such a petition is filed, the Office of Petitions will have the examiner review the matter to ensure the examiner agrees with petitioner's statement. If the examiner agrees, the petition can be granted.

Effective November 1, 2004, the fee for a petition under 37 CFR 1.182 was increased to $400. Therefore, $400 has been charged to petitioner's deposit account.

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

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

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

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

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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A LIMITED LIABILITY COMPANY

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FACSIMILE: (801) 355-8938
E-MAIL: foster@fosterpatlaw.com

LYNN G. FOSTER

REG. PROF. ENGINEER
ATTORNEY AT LAW
PATENT ATTORNEY

FACSIMILE COVER PAGE

DATE: June 22, 2005

TO: Office of Petition

FAX NUMBER: (703) 872-9306

RE: **Serial No. 10/982,606**
Docket: 7310.D1C2

TOTAL NUMBER OF PAGES INCLUDING COVER SHEET: ___

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:	)	
	)	
RODNEY M. LAFOLLETTE, ET AL.	)	Docket: 7310.D1C2
	)	
Serial No.: 10/982,606	)	Art Unit: 2838
	)	
Filed: November 5, 2004	)	Examiner:
	)	
For: MICROSCOPIC BATTERIES FOR MEMS SYSTEMS	)	

RESPONSE TO DECISION ON PETITION

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

Sir:

Responsive to the DECISION ON PETITION mailed May 27, 2005 in the above-identified matter, the Applicant believes entry of page 57 will not introduce new matter and elects not to introduce the Petition to add page 57, but instead prosecute the Application with the original filing date using only papers filed on November 5, 2004.

It will not be necessary to add the matter found on page 57 as that consists only of Claims 1 through 6, which were canceled by Preliminary Amendment anyway.

A copy of the DECISION ON PETITION is attached.

Respectfully submitted,

Lynn G. Foster
Attorney for Applicant

602 East 300 South
Salt Lake City, Utah 84102
Telephone: (801) 364-5633

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JUN 2 2 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:	)		
	)		
RODNEY M. LAFOLLETTE, ET AL.	)	Docket:	7310.D1C2
	)		
Serial No.: 10/982,606	)	Art Unit:	2838
	)		
Filed: November 5, 2004	)	Examiner:	
	)		
For: MICROSCOPIC BATTERIES FOR MEMS SYSTEMS	)		

CERTIFICATION OF FILING BY FACSIMILE TRANSMISSION

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

Sir:

I hereby certify the attached RESPONSE TO DECISION ON PETITION was transmitted by facsimile to the Office of Petition at (703) 872-9306 on the date indicated below.

Respectfully submitted,

June 22, 2005

Lynn G. Foster
Attorney for Applicant

602 East 300 South
Salt Lake City, UT 84102
Telephone: (801) 364-5633

C:\CLIENTS\2004-2005 Clients\LaFollette\7310.D1C2 982'606\7310.D1C2.Cert of Filing by Facsimile 062205.wpd

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LYNN G. FOSTER L.C.

Mr. Lynn G. Foster, L.C.
602 East 300 South
Salt Lake City, UT 84102

In re Application of
LaFollette et al.
Application No. 10/982,606
Filed: November 5, 2004
Attorney Docket No. ~~7310.D2C~~ 7310.D1C2
For: Microscopic Batteries for MEMS Systems

Decision on Petition

This is a decision on the petition under 37 CFR 1.182, requesting, in effect, that page 57 filed on February 4, 2005, be entered as part of the original disclosure.

The petition is **dismissed**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are NOT permitted.

Facts:

The application was filed on November 5, 2004.

The application is a continuation of application no. 10/350,474. The prior application, as filed, did not include a copy of page 57 of the specification. A Notice of Omitted Items was mailed in that application on April 21, 2003.

The instant application was filed using a copy of the prior application. As a result, the instant application was not filed with page 57 of the specification. On January 27, 2005, the Office of Initial Patent Examination mailed a "Notice of Omitted Item(s)" stating that the application had been accorded a filing date of November 5, 2004, and advising applicants that page 57 appeared to have been omitted.

In response, the present petition was filed.

Discussion:

The application can not be given a filing date of February 1, 2004. Original application papers do not receive the benefit of 37 CFR 1.8. Since petitioner seeks to have page 57 be treated as part of the original application papers, the date of receipt of page 57, which is February 4, 2004, is the date which will be assigned if a petition under 37 CFR 1.182 is subsequently granted.

The petition is not accompanied by a new declaration under 37 CFR 1.63 signed by the inventors. The only declaration which has been filed is a copy of the declaration from the parent application which was filed with the original application.

A copy of a declaration from a parent application can be used for a child application if certain requirements. One of these requirements is that the specification filed in the child application contain no matter that would have been new matter in the prior application. Page 57 was not part of the prior application. The record from the prior application fails to indicate page 57 was ever entered. In fact, it would have been impermissible to enter page 57 which was filed later in the

case since petitioner did not have a petition granted for entry of the page and the matter on the page was not presented, and entered, via a formal amendment.

Petitioner has not stated that entry of page 57 would not result in the entry of new matter. Petitioner has the following options:

If petitioner believes entry of page 57 might introduce add new matter, petitioner may wish to pursue one of the two choices listed below.

A. Submit a new declaration under 37 CFR 1.63 signed by the inventors.
B. Choose not to renew the petition to add the page, but instead prosecute the application with the original filing date using only the papers filed on November 5, 2004. If petitioner chooses option B, petitioner may wish to submit his intent in writing so that the Office will know it should not wait for a reply to the instant decision but may instead continue to prepare the application for examination.

If petitioner believes entry of the page 57 will not introduce new matter, petitioner may wish to purse one of the two choices below.

A. Choose not to renew the petition to add the page, but instead prosecute the application with the original filing date using only the papers filed on November 5, 2004. Petitioner could then add the matter on page 57 by simply filing a preliminary amendment which should be entered if the examiner determines the amendment does not seek to add new matter.
B. File a renewed petition seeking reconsideration and explicitly state that entry of page 57 will not introduce new matter. If such a petition is filed, the Office of Petitions will have the examiner review the matter to ensure the examiner agrees with petitioner's statement. If the examiner agrees, the petition can be granted.

Effective November 1, 2004, the fee for a petition under 37 CFR 1.182 was increased to $400. Therefore, $400 has been charged to petitioner's deposit account.

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

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

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

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

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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Mailed: 8-17-06

In re application of	:	
LaFollette et al.	:	DECISION ON
Serial No. 10/982,606	:	PETITION
Filed: November 5, 2004	:	
For: MICROSCOPIC BATTERIES FOR MEMS SYSTEMS	:	

This is a response to applicant's petition under 37 C.F.R. 1.181. Applicant requests that the petition to make special be granted; application be reassigned to another Examiner and that Jacqueline Stone supervise an expedited examination.

DECISION

The instant request is accepted as a timely petition under 37 C.F.R. 1.181 (no fee).

The Petition is **Granted-in-Part**.

The petition to make special is granted. The application will remain with the examiner of record, as it is best examinable by the current examiner.

JMStone

Jacqueline Stone, Director
Technology Center 1700
Chemical and Materials Engineering

Lynn G. Foster
602 East 300 South
Salt Lake City, Utah 84102

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In re Application of	:	
Lafollette et al.	:	
Serial Number: 10/982,606	:	
Filed: November 5, 2004	:	DECISION ON
	:	PETITION

For: MICROSCOPIC BATTERIES FOR MEMS SYSTEMS

This is a response to applicant's petition under 37 C.F.R. 1.181. Applicant requests that prosecution be undertaken without further delay in view of the granting of the petition to make special on August 17, 2006.

DECISION

The instant request is accepted as a timely petition under 37 C.F.R. 1.181 (no fee).

The Petition is **Dismissed**.

The Examiner issued an action on February 9, 2007.

Jacqueline Stone, Director
Technology Center 1700/2900
Chemical and Materials Engineering

Lynn G. Foster
602 East 300 South
Salt Lake City, Utah 84102

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DEARBORN MI 48126

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In re Application of	:	
GOENKA, et al.	:	
Application No. 10/982,617	:	DECISION ON PETITION
Filed: November 5, 2004	:	
Attorney Docket No. 10541-2078	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 19, 2006, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before October 16, 2006, as required by the Notice of Allowance and Fee(s) Due, mailed July 14, 2006 . Accordingly, the date of abandonment of this application is October 17, 2006 .

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1400 and the publication fee of $300, (2) the petition fee of $1500; and (3) a proper statement of unintentional delay.

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

This application is being referred to Publishing Division for processing into a patent.

David Bucci
Petitions Examiner
Office of Petitions

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

Stolowitz Ford Cowger LLP
621 SW Morrison St
Suite 600
Portland, OR 97205

Mail Date: 07/26/2010

Applicant	: Paul Edwin Jones	: DECISION ON REQUEST FOR
Patent Number	: 7656861	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 10/982,620	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/03/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **953** 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

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

COPY MAILED

DEC 0 4 2007

OFFICE OF PETITIONS

In re Application of

ZUCHERMAN, James F. et al.
Application No. 10/982,638
Filed: November 05, 2004
Attorney Docket No. **19433A-008110US**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 10, 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 Mark D. Barrish on behalf of all attorneys of record who are associated with customer No. 20350. 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.

There is an outstanding Office action mailed September 06, 2007 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **JAMES F. ZUCHERMAN**
3035 PIERCE STREET
SAN FRANCISCO, CA 94123

cc: **DAVID L. MCCOMBS**
HAYNES AND BOONE, LLP
2505 N. PLANO ROAD
SUITE 4000
RICHARDSON, TX 75082

UNITED STATES PATENT AND TRADEMARK OFFICE

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

HAYNES AND BOONE, LLP
IP SECTION
2323 VICTORY AVENUE
SUITE 700
DALLAS TX 75219

MAILED

JAN 29 2009

OFFICE OF PETITIONS

In re Application of
James F. Zucherman et al
Application No. 10/982,638
Filed: November 5, 2004
Attorney Docket No. 41914.50

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 9, 2008, to revive the above-identified application.

The petition is **DISMISSED**.

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

The application became abandoned for failure to timely pay the issue and publication fees in reply to the Notice of Allowance mailed September 8, 2008.

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

The petition submitted on December 9, 2008 is unsigned.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

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

By Mail: Mail Stop 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) 272-3208.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

cc:

MEDTRONIC SPINAL AND BIOLOGICS
2600 SOFAMOR DANEK DRIVE
MEMPHIS, TN 38132

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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www.uspto.gov

HAYNES AND BOONE, LLP
IP SECTION
2323 VICTORY AVENUE
SUITE 700
DALLAS TX 75219

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MAR 10 2009

OFFICE OF PETITIONS

In re Application of
James F. Zucherman et al
Application No. 10/982,638
Filed: November 5, 2004
Attorney Docket No. 41914.50

DECISION ON PETITION

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed February 2, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of the issue and publication fees; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of Allowance mailed September 8, 2008, is accepted as having been unintentionally delayed.

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

This application is being referred to the Office of Data Management to be processed into a patent.

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

COPY MAILED

AUG 18 2006

OFFICE OF PETITIONS

In re Application of

HUANG et al.
Application No. 10/982,649
Filed: November 5, 2004
Attorney Docket No. 5306.P008C2

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, 2006.

The request is **NOT APPROVED**.

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

The request cannot be approved because no reasons for withdrawal have been provided. The Office cannot, at this time, determine whether practitioner's request is one of the mandatory or permissive reasons enumerated in 37 CFR 10.40. Any subsequent requests must include reasons for withdrawal. Please note that there is a space provided for on PTO/SB/83 (Request to Withdraw as Attorney or Agent) to supply practitioner's reasons.

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

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

Amelia Au
Petitions Examiner
Office of Petitions

cc: Sam Campbell
Campbell, Stephenson Asocolese, LLP
4807 Spicewood Spring Road
Bldg. 4, Suite 201
Austin, TX 78759

UNITED STATES 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.

J. NICHOLAS GROSS, ATTORNEY
2030 ADDISON ST.
SUITE 610
BERKELEY CA 94704

COPY MAILED

JUN 08 2006

OFFICE OF PETITIONS

In re Application of	:	
Teh et al.	:	DECISION ON PETITION
Application No. 10/982,650	:	
Filed: November 5, 2004	:	
Atty Docket No. UMC 2002-1C	:	

This is a decision on the PETITION UNDER 37 C.F.R. § 1.181(a): REQUEST TO RECONSIDER AND WITHDRAW HOLDING OF ABANDONMENT filed March 6, 2006.

The petition under § 1.181 is **DISMISSED**.

Any request for reconsideration pursuant to § 1.181 must be filed within **TWO (2) MONTHS** of the date of this decision in order to be considered timely. See 37 CFR §1.181(f). Extensions of time under § 1.136(a) are not permitted.

The above-identified application became abandoned for failure to file a timely and proper reply to the non-final Office action mailed July 29, 2005. This Office action set a shortened statutory period for reply of three (3) months, with extensions of time obtainable under § 1.136(a). No reply considered filed and no extension of time considered obtained, the application became abandoned effective October 30, 2005. A courtesy Notice of Abandonment was mailed on February 14, 2006.

Petitioner states that a timely Amendment and Response to Office Action, Petition for Extension of Time, Terminal Disclaimer and Fee Transmittal Sheet were filed and USPTO date-stamped as having been received on February 2, 2006. In support thereof, petitioner submits a copy of those papers including the

extension of time as maintained to have been filed on February 2, 2006 and a copy of the USPTO date-stamped postcard.

Petitioner's evidence has been reviewed, and is somewhat persuasive (to the extent that the papers were received on February 2, 2006). However, consideration of their evidence is unnecessary. Their response, including an extension of time, is present in the application with a date of receipt of February 2, 2006. However, February 2, 2006 is not within the maximum extendable reply period of six-months from the mail date of the non-final Office action mailed July 29, 2006. The last timely day for reply (with an extension of time) was Monday, January 30, 2006, given that the six-month date fell on a Sunday.

Petitioner's papers were dated January 30, 2006 and on the last page of the amendment included both an authorization to charge any required extension of time fees to a Deposit Account and a certificate of mailing stating that it was deposited on the 30th day of January 2006. However, the certification was not signed. As stated in MPEP 512, on proper certificate of mailing procedure,

> The certification requires a signature. Specifically, if the certification appears on a paper that requires a signature, two signatures are required, one for the paper and one for the certification. Although not specifically required by 37 CFR 1.8, it is preferred that the certificate be signed by the applicant, assignee, or registered practitioner.

It is further noted that the only paper filed with any certification (albeit unsigned) was the amendment on the last page. A certification should have appeared on each paper required to make the response complete and timely. As further stated in MPEP 512,

> When possible, the certification should appear on a portion of the paper being submitted. However, if there is insufficient space to make the certification on the same paper, the certification should be on a separate sheet securely attached to the paper.

Thus, the papers were not in fact timely received in the Office, and the requirements of 37 CFR § 1.8(b) were not met to have the

papers considered timely filed. The holding of abandonment is proper and will not be withdrawn.

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
ALEXANDRIA, VA 22313-1450
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Paper No.

J. NICHOLAS GROSS, ATTORNEY
2030 ADDISON ST.
SUITE 610
BERKELEY CA 94704

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SEP 25 2006

OFFICE OF PETITIONS

In re Application of	:	
Teh et al.	:	DECISION ON PETITION
Application No. 10/982,650	:	
Filed: November 5, 2004	:	
Atty Docket No. UMC 2002-1C	:	

This is a decision on the PETITION UNDER 37 C.F.R. § 1.181(a): REQUEST TO RECONSIDER AND WITHDRAW HOLDING OF ABANDONMENT filed March 6, 2006.

The petition under § 1.181 is **DISMISSED**.

Any request for reconsideration pursuant to § 1.181 must be filed within **TWO (2) MONTHS** of the date of this decision in order to be considered timely. See 37 CFR §1.181(f). Extensions of time under § 1.136(a) are not permitted.

The above-identified application became abandoned for failure to file a timely and proper reply to the non-final Office action mailed July 29, 2005. This Office action set a shortened statutory period for reply of three (3) months, with extensions of time obtainable under § 1.136(a). No reply considered filed and no extension of time considered obtained, the application became abandoned effective October 30, 2005. A courtesy Notice of Abandonment was mailed on February 14, 2006.

By decision mailed June 8, 2006, the initial petition to withdraw the holding of abandonment filed March 6, 2006 was dismissed. The holding of abandonment was held to be proper because the response was not received within the statutory period for response and the paper did not include a proper

certificate of mailing to be considered timely filed as provided by 37 CFR 1.8.

Petitioner's arguments on renewed petition have been considered, but not found persuasive. It is well established that a certificate of mailing under 37 CFR 1.8 to be effective must be signed. The language cited by petitioner, as suggestive of a requirement that the certificate be signed, suggests who may sign the certificate. The language does not make signing the certificate discretionary. As clearly stated in MPEP 512 under the section entitled I. PROCEDURE BY APPLICANT:

> (A) The certification requires a signature. Specifically, if the certification appears on a paper that requires a signature, two signatures are required, one for the paper and one for the certification. Although not specifically required by 37 CFR 1.8, it is preferred that the certificate be signed by the applicant, assignee, or registered practitioner.

The certificate of mailing on the paper was not signed. Accordingly, it was properly decided in the prior decision that the paper should not be considered timely filed pursuant to 37 CFR 1.8.

Furthermore, petitioner cannot correct this error in procedure by submitting a signed certificate on petition.

Petitioner is not precluded from filing a petition to revive pursuant to 37 CFR 1.137.

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
ALEXANDRIA, VA 22313-1450
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Paper No.

J. NICHOLAS GROSS, ATTORNEY
2030 ADDISON ST.
SUITE 610
BERKELEY CA 94704

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MAR 29 2007

OFFICE OF PETITIONS

In re Application of	:	
Teh et al.	:	DECISION ON PETITION
Application No. 10/982,650	:	
Filed: November 5, 2004	:	
Atty Docket No. UMC 2002-1C	:	

This is a decision on the RENEWED PETITION UNDER 37 C.F.R. § 1.181(a); REQUEST TO RECONSIDER AND WITHDRAW HOLDING OF ABANDONMENT filed November 21, 2006.

The petition is **DENIED**. 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.

BACKGROUND

The above-identified application became abandoned for failure to file a timely and proper reply to the non-final Office action mailed July 29, 2005. This Office action set a shortened statutory period for reply of three (3) months, with extensions of time obtainable under § 1.136(a). No reply considered filed and no extension of time considered obtained, the application became abandoned effective October 30, 2005. A courtesy Notice of Abandonment was mailed on February 14, 2006.

By decision mailed June 8, 2006, the initial petition to withdraw the holding of abandonment filed March 6, 2006 was dismissed. The holding of abandonment was held to be proper because the response was not received within the statutory period for response and the paper did not include a proper

certificate of mailing to be considered timely filed as provided by 37 CFR 1.8.

On August 7, 2006, applicants filed a renewed petition. By decision mailed September 25, 2006, the prior decision dismissing the petition was affirmed. Citing MPEP 512, the decision stated that the requirement that the certificate of mailing under 37 CFR 1.8 be signed is well established. Further, the decision pointed out that the language cited by petitioner, as suggestive of a requirement that the certificate be signed, suggests who may sign the certificate. The decision reemphasized that the requirement that the certification be signed is not discretionary.

OPINION

A non-final Office action was mailed in this application on July 29, 2005. This Office action set a three-month period for reply, extendable to six-months or until Monday, January 30, 2006 (with payment of an extension of time fee). On February 2, 2006, the Office received an amendment signed by attorney J. Nicholas Gross and a petition for extension of time and fee authorization. The amendment (which stated that a three month extension of time was enclosed) concluded as follows:

Respectfully submitted,
[signature of Mr. Gross]

J. Nicholas Gross
Registration No. 34,175
Attorney for Applicant(s)

January 30, 2006
[address,
telephone,
fax]

I hereby certify that the foregoing is being deposited with the U.S. Postal Service, postage prepaid, to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 this 30th day of January 2006.

As the closing certification was not signed, no benefit under 37 CFR 1.8 was given to the papers[1]. The papers were treated as received on February 2, 2006. See 37 CFR 1.6. As the last date for timely reply was Monday, January 30, 2006, the application became abandoned for failure to file a timely reply to the Office action.

On instant renewed petition, petitioner continues to maintain that his unsigned certificate of mailing is entitled to the benefit of 37 CFR 1.8. Petitioner maintains that the decision of September 25, 2006 is unsupportable. Petitioner contends that:

- The decision is based on a mistaken interpretation of CFR 1.8. There is no requirement in 37 C.F.R. 1.8 for a separate signature on a certificate of mailing;
- The decision fails to point to language in § 1.8, but rather relies on MPEP 512. Petitioner argues that the PTO cannot interpret the MPEP in a manner that is contrary and imposes greater burdens than the Regulations;
- The decision fails to address any of the citations from MPEP 512 noted in his first Petition. Petitioner argues that several areas of the 512 refer to the examples as "suggested formats;"
- The decision fails to cite any authority or give any explanation of why the proffered substitute Certification does not meet the requirements of MPEP 512. Petitioner argues that, instead, the decision states in a conclusory fashion that "… a signed certificate on petition" cannot correct the present error. Petitioner argues that with all due respect that is not the issue: the issue is what is required by 37 CFR 1.8 and MPEP 512 as an adequate certificate for the original mailing.

Petitioner's contentions have been considered, and found unpersuasive.

The regulation at issue, 37 CFR 1.8 provides, in pertinent part, that:

(a) … , correspondence required to be filed

---

[1] The petition for extension of time did not include a certificate of mailing signed or unsigned.

> in the U.S. Patent and Trademark Office within a set period of time will be considered as being timely filed if the procedure described in this section is followed. The actual date of receipt will be used for all other purposes.
>
> (1) Correspondence will be considered as being timely filed if:
> (i) The correspondence is mailed or transmitted prior to expiration of the set period of time by being:
> (A) Addressed as set out in § 1.1(a) and deposited with the U.S. Postal Service with sufficient postage as first class mail;
> ...
>
> (ii) The correspondence includes a certificate for each piece of correspondence stating the date of deposit or transmission. The person signing the certificate should have reasonable basis to expect that the correspondence would be mailed or transmitted on or before the date indicated.

It is undisputed that the paper filed is of the type which can obtain the benefit of being considered timely filed based on being mailed in accordance with 37 CFR 1.8. The point of contention is whether to be mailed in accordance with 37 CFR 1.8 the certificate itself must be signed or whether it is sufficient that only the paper on which the certificate is printed be signed. As indicated in the prior decisions, the Office interprets 37 CFR 1.8 as requiring that the certificate be signed.

The prior decisions are based on a proper interpretation of the procedure to obtain the benefit of the certificate of mailing practice pursuant to 37 CFR 1.8 and appropriately relied on MPEP 512 for clarification of the requirements of the rule.

37 CFR 1.8 does not explicitly state that both the certificate of mailing and the paper have to be signed. Nonetheless, the language of the rule supports a conclusion that 37 CFR 1.8 requires the signature of the person who causes the paper to be mailed on the certificate. Subsection (ii) of rule 1.8 requires a certificate and imposes a burden on the person signing the certificate (i.e. the person should have reasonable basis to expect that the correspondence would be mailed or transmitted on or before the date indicated.) The imposition of this burden

(as well as the certification of deposit in the mail on a certain date) would be meaningless if no one had to sign the certificate. Signing of the paper on which the certificate is placed is not sufficient to make the certification. The certificate of mailing is a "paper" within the paper certifying that the substantive paper was mailed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 by the signer of the certificate. Whereas, the substantive paper is signed by the drafter of the paper attesting to the paper's contents. See 37 CFR §10.18. The person signing the certificate is not necessarily the person who drafted the paper. For example, an amendment is often signed by the attorney of record and the certificate of mailing is signed by the secretary or paralegal who placed the amendment in the mail.

It is appropriate to look to the Manual of Patent Examination Procedures (MPEP) for interpretation of this rule and for clarity on the procedure to be followed to comply with 37 CFR 1.8. 35 U.S.C. 2, authorizes the USPTO, subject to the policy direction of the Secretary of Commerce, to establish regulations, not inconsistent with law, for the conduct of proceedings in the USPTO. It is acknowledged that the MPEP does not carry the force of law. However, the MPEP does clarify USPTO regulations and chapter 512 entitled Certificate of Mailing or Transmission, in particular, is directed to the procedure to be followed by applicants and by the Office, with respect to 37 CFR 1.8 practice.

The clarification of the rule set forth in the MPEP is consistent with the regulation. It is petitioner's interpretation of 37 CFR 1.8 that is contrary to the rules and regulations. The Office in MPEP 512 has specifically advised applicants that their signature on the paper alone is not sufficient. This section clearly and unambiguously states that both the paper and the certificate must be signed. Again unequivocally, MPEP 512 states:

I. PROCEDURE BY APPLICANT

(A) The certification requires a signature. Specifically, if the certification appears on a paper that requires a signature, two signatures are required, one for the paper and one for the certification. Although not specifically required by 37 CFR 1.8, it is preferred that the certificate be signed by the applicant, assignee, or registered practitioner.

The decision did address petitioner's citations to MPEP 512 noted in his prior petitions. Petitioner was referred back to section (A) of MPEP 512, quoted above, that states that "it is preferred that the certificate be signed by the applicant, assignee or registered practitioner." Further, it was not disputed that the MPEP 512 provides suggested formats for a certificate of mailing. Nonetheless, the requirement remains regardless of format that the certificate of mailing be signed. The prior decisions did not accept the unsigned certificate of mailing as originally filed or the substitute certificate of mailing.

Further, it is expressly stated that the guidelines set forth in MPEP 512 are not contrary to or inconsistent with 37 CFR 1.8 or with any patent statute. As previously stated, 37 CFR 1.8 already imposes a burden on the person signing the certificate. Further, applicants are already required to sign their papers, pursuant to 37 CFR 1.33(b)[2] and to attest to their contents pursuant to 37 CFR 10.18. The MPEP does not impose an additional burden in stating that 2 signatures are required. Consistent with the burdens of these regulations and the satisfaction of these burdens, the MPEP clarifies that the certificate itself must be signed and the paper must be signed; a signature on the paper is not a signature on the certificate.

It is noted that the circumstances of the absence of a signature on the certificate of mailing in this instance fall squarely within the prohibition set forth in the MPEP guidelines. The amendment is signed, but the certificate, which follows the close of the amendment, is not signed. Petitioner's arguments about the acceptability of one signature are inconsistent with their own prior practice. It is noted that in this case, a review of the record reveals that with the filing of their preliminary amendment on November 5, 2004, two signatures were provided; a certificate of express mailing set forth at the close of the paper was signed by Anthony Gross and the preliminary amendment itself was signed by attorney Gross. The

---

[2] 37 CFR 1.33(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.

preliminary amendment itself was signed by attorney Gross. The layout of the signature page is the same layout as that in question (and set forth on page 2 of this decision). Moreover, a review of the postcard for the paper that is at the heart of this dispute reveals that Anthony Gross also mailed this paper. Petitioner's arguments are further diminished by the fact that the omission of a signature on the certificate of mailing was an omission of petitioner's prior practice. In light of the clear procedure to be followed by applicants set forth in the MPEP, it is not proper to give applicants the benefit of 37 CFR 1.8 when they have not followed that procedure.

Finally, with respect to the proffered substitute Certification first presented on petition, the decision did state that "… a signed certificate on petition cannot correct the present error." This is a fact. A signed certificate of mailing proffered as a substitute Certificate on petition is not an adequate certificate for the original mailing. As stated in 37 CFR 1.8(b), the showing required to have correspondence considered timely filed by being mailed in accordance with 37 CFR 1.8(a) includes supplying "an additional copy of the previously mailed or transmitted correspondence and certificate." There is no utility to the submission of a substitute Certification. The issue is whether the original certificate of mailing was in compliance. If it was not in compliance, filing of a substitute Certification is not an option to correct the deficiency. If a paper as originally filed does not satisfy 37 CFR 1.8, the USPTO must use the actual date of receipt in the USPTO as defined in 37 CFR 1.6.

The certificate of mailing on the paper was not signed. Petitioner cannot correct this error in procedure by submitting a signed certificate on petition. Accordingly, it was properly decided in the prior decisions that the paper should not be considered timely filed pursuant to 37 CFR 1.8. Thus, the abandonment of the application stands.

CONCLUSION

The prior decision, which refused to withdraw the holding of abandonment, has been reconsidered, and is affirmed.

Petitioner is not precluded from filing a petition to revive pursuant to 37 CFR 1.137. However, continued delay in filing such a petition, after this final agency decision, may be

determined to be intentional delay and may preclude revival of the application.

Telephone inquiries regarding this decision should be directed to Nancy Johnson, Senior Petitions Attorney, Office of Petitions at 571-272-3219.

Charles Pearson
Director
Office of Petitions

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Paper No.

J. NICHOLAS GROSS, ATTORNEY
2030 ADDISON ST.
SUITE 610
BERKELEY CA 94704

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OFFICE OF PETITIONS

In re Application of	:	
Teh et al.	:	DECISION ON PETITION
Application No. 10/982,650	:	
Filed: November 5, 2004	:	
Atty Docket No. UMC 2002-1C	:	

This is a decision on the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) filed May 29, 2007. This petition was submitted with the wrong application number. On December 17, 2007, applicants resubmitted the petition correcting this error[1].

The petition is **GRANTED**.

The above-identified application became abandoned effective October 30, 2005 for failure to file a timely and proper reply to the non-final Office action mailed July 29, 2005. A courtesy Notice of Abandonment was mailed on February 14, 2006.

By decision mailed June 8, 2006, the initial petition to withdraw the holding of abandonment filed March 6, 2006 was dismissed. On August 7, 2006, applicants filed a renewed petition. By decision mailed September 25, 2006, the prior decision dismissing the petition was affirmed. On November 21, 2006, applicants filed a third petition to withdraw under 37 CFR 1.181 relying on the provisions of 37 CFR 1.8(b). In a final

[1] The petition was moved from the parent application to this application. No decision will be mailed in the parent application. Pursuant to a separate request for refund any duplicate petition fee was refunded to the Deposit Account.

agency decision mailed March 29, 2007, the petition to withdraw the holding of abandonment was denied.

In response, applicants timely filed the instant petition for revival based on unintentional delay. The petition includes the required statement of unintentional delay and payment of the petition fee set forth in 37 CFR § 1.17(m). No terminal disclaimer is required. The required reply was previously submitted on February 2, 2006.

Technology Center AU 2825 has been advised of this decision. The application is, thereby, forwarded to the examiner for consideration of the reply submitted (after the expiration of the period for reply) on February 2, 2006.

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

Weaver Austin Villeneuve &
Sampson LLP
P.O. BOX 70250
OAKLAND CA 94612-0250

In re Application of :
Mishra et al. :
Application No. 10/982,672 :
Filed: November 5, 2004 :
Attorney Docket No. :
CISCP405/480061 :

ON APPLICATION FOR
PATENT TERM ADJUSTMENT

This is in response to the "APPLICATION FOR PATENT TERM ADJUSTMENT 37 C.F.R. §1.705" filed June 9, 2009. Applicants request that the determination of patent term adjustment be corrected from nine hundred fifty-eight (958) days to six hundred sixty-nine (669)+ B delay days which are currently unknown (includes a subtraction of 289 days of overlap). 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 cannot make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the

initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is appropriate to dismiss as premature such a request.

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicant is advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicant must timely file an application for patent term adjustment prior to the payment of the issue fee[1].

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e) 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 Petitions Attorney Charlema Grant at (571) 272-3215.

Kery Fries
Senior Legal Advisor Attorney
Office of Patent Legal Administration

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: MISHRA, Chandan, et al.	Attorney Docket No.: CISCP405/480061
Application No.: 10/982,672	Examiner: Brian D. Nguyen
Filed: November 5, 2004	Group: 2416
Title: INTELLIGENT EVENT NOTIFICATION PROCESSING AND DELIVERY AT A NETWORK SWITCH	Confirmation: 1600

CERTIFICATE OF EFS-WEB TRANSMISSION
I hereby certify that this correspondence is being transmitted electronically through EFS-WEB to the Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450 on June 9, 2009.

Signed: /Latonia Ervin/
Latonia Ervin

APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. §1.705

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice of Allowance, mailing date March 10, 2009, and in accordance with 37 C.F.R. §1.705, Applicants respectfully request reconsideration of the period of adjustment. Specifically, Applicants request that the patent term be additionally adjusted under 35 USC § 154(b)(1)(B) and 37 C.F.R. §§ 1.702(b) and § 1.703.(b) based on failure to issue the patent within three years of the actual filing date of the application. Applicants request that the following period be added to the 0 days calculated by the PTO:

No. of Days to Be Added = Issue Date (unknown) - 11/05/07 (3 years after 11/05/04 filing date).

Statement of Fact, as Required by 37 C.F.R. §1.705(b)(2)

Applicants respectfully submit that the patent term should be adjusted to account for a one-day term extension for every day greater than three years after the filing date that it takes for the patent to issue under 35 USC § 154(b)(1)(B) and 37 C.F.R. §§1.702(b) and §1.703(b) in view of the decision in *Wyeth v. Dudas*, District Court of Columbia (D.D.C. 2008).

Under *Wyeth*, the proper formula for determining PTA is: delay under 35 USC § 154(b)(1)(A) ("A delay") plus delay under 35 USC § 154(b)(1)(B) ("B delay") less (any part of A delay that overlaps with B delay) less applicant's delay. In the present application, this is as follows:

PTA = 958 days A delay + B delay - 289 days overlap between A and B delays - 0 days Applicants' delay = 669 days + B delay.

As indicated above, the B delay will be the number of days between the Issue Date, which is currently unknown and November 5, 2007. In view of the foregoing, it is respectfully submitted that the patent term be adjusted under 35 USC § 154(b)(1)(B) and 37 C.F.R. §§1.702(b) and §1.703(b).

This patent application is not subject to a terminal disclaimer. Applicants submit that there were no circumstances constituting a failure to engage in reasonable efforts to conclude processing or examination.

The Commissioner is hereby authorized to charge the fee for filing a request for reconsideration of the patent term adjustment pursuant to §1.705 set forth in §1.18(e) of $200.00 and any other fees which may be required or credit any overpayment to Deposit Account No. 504480 (Order No CISCP405).

Applicants respectfully request that the patent term adjustment be reconsidered.

Respectfully submitted,
Weaver Austin Villeneuve & Sampson LLP

/Audrey Kwan/

G. Audrey Kwan
Reg. No. 46,850

P.O. Box 70250
Oakland, CA 94612-0250

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OFFICE OF PETITIONS

In re Patent No. 7,586,956	
Mishra et al.	
Issue Date: September 8, 2009	
Application No. 10/982,672	DECISION ON REQUEST FOR
Filed: November 5, 2004	RECONSIDERATION OF
Attorney Dkt. No.	PATENT TERM ADJUSTMENT
CISCP405/480061	
Title: Intelligent Event	
Notification processing and	
Delivery At A Network Switch	

This is in response to the "Request for Reconsideration of Patent Term Adjustment under 37 C.F.R. §1.705" filed September 30, 2009. This petition is properly treated under 37 CFR 1.705(d). Patentees request that the patent term be adjusted from 958 days to 1,342 days.

The request for reconsideration of patent term adjustment is **DISMISSED**.

On September 8, 2009, the above-identified application matured into US Patent No. 7,586,956 with a patent term adjustment of 958 days. This request for reconsideration of patent term adjustment (including authorization to charge the required fee) was timely filed within two months of the issue date of the patent. See 37 CFR 1.705(d).

Patentees request recalculation of the patent term adjustment based on the decision in Wyeth v. Dudas, 580 F. Supp. 2d 138, 88 U.S.P.Q. 2d 1538 (D.D.C. 2008). Patentees assert that pursuant to Wyeth, a PTO delay under 35 U.S.C. §154(b)(1)(A) overlaps with a delay under 35 U.S.C. §154(b)(1)(B) only if the delays "occur on the same day." Patentees maintain the 384 days of 673 days delay under § 154(b)(1)(B) do not overlap with the delay under § 154(b)(1)(A). Thus, patentees request that the determination of patent term adjustment be increased by 384 days to a total of one thousand three hundred forty-two (1342) days (the sum of the period of three-year delay (673 days) and the

period of examination delay (958 days) less 289 days of overlap).

Patentees' calculation of the period of overlap is inconsistent with the Office's interpretation of this provision. 35 U.S.C. 154(b)(2)(A) limits the adjustment of patent term, as follows:

> to the extent that the periods of delay attributable to grounds specified in paragraph (1) overlap, the period of any adjustment granted under this subsection shall not exceed the actual number of days the issuance of the patent was delayed.

Likewise, 37 CFR 1.703(f) provides that:

> To the extent that periods of delay attributable to the grounds specified in §1.702 overlap, the period of adjustment granted under this section shall not exceed the actual number of days the issuance of the patent was delayed.

As explained in *Explanation of 37 CFR 1.703(f) and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A)*, 69 Fed. Reg. 34283 (June 21, 2004), the Office interprets 35 U.S.C. 154(b)(2)(A) as permitting either patent term adjustment under 35 U.S.C. 154(b)(1)(A)(i)-(iv), or patent term adjustment under 35 U.S.C. 154(b)(1)(B), but not as permitting patent term adjustment under both 35 U.S.C. 154(b)(1)(A)(i)-(iv) and 154(b)(1)(B). Accordingly, the Office implements the overlap provision as follows:

> If an application is entitled to an adjustment under 35 U.S.C. 154(b)(1)(B), the entire period during which the application was pending (except for periods excluded under 35 U.S.C. 154(b)(1)(B)(i)-(iii)), and not just the period beginning three years after the actual filing date of the application, is the period of delay under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay overlap under 35 U.S.C. 154(b)(2)(A). Thus, any days of delay for Office issuance of the patent more than 3 years after the filing date of the application, which overlap with the days of patent term adjustment accorded prior to the issuance of the patent will not result in any additional patent term adjustment. See 35 U.S.C. 154(b)(1)(B), 35 U.S.C. 154(b)(2)(A), and 37 CFR

§ 1.703(f). See *Changes to Implement Patent Term Adjustment Under Twenty Year Term; Final Rule*, 65 Fed. Reg. 56366 (Sept. 18, 2000). See also *Revision of Patent Term Extension and Patent Term Adjustment Provisions; Final Rule*, 69 Fed. Reg. 21704 (April 22, 2004), 1282 Off. Gaz. Pat. Office 100 (May 18, 2004). See also *Explanation of 37 CFR 1.703(f) and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A)*, 69 Fed. Reg. 34283 (June 21, 2004).

As such, the period for over 3 year pendency does not overlap only to the extent that the actual dates in the period beginning three years after the date on which the application was filed overlap with the actual dates in the periods for failure of the Office to take action within specified time frames.

In this instance, the relevant period under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay "overlap" under 35 U.S.C. 154(b)(2)(A) is the entire period during which the application was pending before the Office, November 5, 2004 to September 8, 2009. This 673 days of pendency over three years is the relevant period for considering overlap. 958 days of patent term adjustment were accorded for Office delay pursuant to 37 CFR §1.702(a)(1). Entry of both 673 days pursuant to 37 CFR §1.702(b) for the Office taking in excess of three years to issue the patent and 958 days pursuant to 37 CFR §1.702(a) for Office examination delay is neither permitted nor warranted. The Office did not delay 958 days and then another 673 days. The greater period, 958 days, is the actual number of days issuance of the patent was delayed by the Office.

In view thereof, the Office affirms that the revised determination of patent term adjustment at the time of the issuance of the patent was 958 days.

The $200.00 petition fee set forth in 37 CFR 1.18(e) has been assessed from deposit account no. 50-4480. No additional fees are required.

Telephone inquiries specific to this matter should be directed to Charlema Grant, Petitions Attorney, at (571) 272-3215.

/Kery Fries/

Kery Fries
Senior Legal Advisor Attorney
Office of Patent Legal Administration
Office of Deputy Commissioner for
Patent Examination Policy

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Note:

CERS V

- **Note:** OCR Text

The following query terms are highlighted in this document: transducer array chip

CLAIMS: 1. A method for designing an acoustic impedance transformer for use in an ultrasonic transducer b acoustically active backing block and a piezoelectric layer on which at least one matching layer is arranged, properties of a substrate having an electronic circuit arranged in connection therewith, the substrate having t being part of the transformer ; selecting properties of each of at least one acoustically active layer different th the at least one acoustically active layer being part of the transformer ; selecting properties of an interconnec between the electronic circuit and the piezoelectric layer, the interconnect layer being a part of the transform acoustic impedance at a side of the piezoelectric layer adjacent the transformer whereby the electronic circu in the determination of the acoustic impedance; and varying the properties of the substrate, the properties of acoustically active layer and the properties of the interconnect layer to obtain a desired acoustic performanc the side of the piezoelectric layer adjacent the transformer.

2. The method of claim 1, wherein the at least one acoustically active layer comprises a plurality of acoustica further comprising varying the number of acoustically active layers to obtain the desired acoustic performanc the side of the piezoelectric layer adjacent the transformer.

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3. The method of claim 2, wherein the varying of the properties of the substrate, the properties of the at least active layer and the properties of the interconnect layer is performed by a computer simulation.

4. The method of claim 1, wherein the at least one acoustically active layer comprises a plurality of acoustica further comprising arranging a first one of the acoustically active layers between the interconnect layer and t and arranging a second one of the acoustically active layers between the substrate and the backing block.

5. The method of claim 1, wherein the at least one acoustically active layer comprises a plurality of acoustica further comprising arranging at least one of the acoustically active layers between the interconnect layer and layer.

6. The method of claim 1, wherein the substrate is made of a semiconductor material, further comprising fab circuit on the semiconductor material.

7. The method of claim 1, further comprising: selecting the properties of an additional interconnect layer for c electronic circuit to a transducer cable, and varying the properties of the additional interconnect layer to obta acoustic performance characteristics at the side of the piezoelectric layer adjacent the transformer.

8. The method of claim 7, wherein the properties of the additional interconnect layer include the type, materi the interconnect layer.

9. The method of claim 8, further comprising imposing limitations in the variations of the properties of the sub of the at least one acoustically active layer and the properties of the interconnect layer.

10. The method of claim 9, wherein the imposed limitations include a limitation as to a specific material for th least one acoustically active layer or the interconnect layer.

11. The method of claim 9, wherein the imposed limitations include a limitation as to a minimum or maximum substrate, the at least one acoustically active layer or the interconnect layer.

12. The method of claim 1, wherein the properties of the substrate, the properties of the at least one acoustic the properties of the interconnect layer are varied to optimize the acoustic impedance at the side of the piezo adjacent the transformer.

13. The method of claim 1, wherein the properties of the interconnect layer includes the type of interconnect selected from a group consisting of conductive epoxy and flip-chip bonding.

14. The method of claim 1, wherein the properties of the substrate include the material and thickness of the

15. The method of claim 1, wherein the properties of the at least one acoustically active layer include the ma the at least one acoustically active layer.

16. The method of claim 1, wherein the properties of the interconnect layer include the type, material and thi interconnect layer.

17. The method of claim 1, wherein the desired acoustic performance characteristics is a frequency response
at the-3 dB points of at least 70%, at least 80% or at least 90% of the center frequency.

18. The method of claim 1, wherein the desired acoustic performance characteristics is a transmit impulse re
width at the-10 dB points of less than 1.6 cycles, less than 1.4 cycles or less than 1.2 cycles of the center fre

19. An ultrasonic transducer, comprising: an acoustic backing block; an acoustic impedance transformer arra
block; a piezoelectric layer arranged on said transformer ; and at least one matching layer arranged on said
said transformer including a substrate, an electronic circuit arranged in connection with said substrate, an int
having an acoustic impedance interposed between said substrate and said piezoelectric layer and at least a
active layer different than said backing block.

20. The transducer of claim 19, wherein said interconnect layer is arranged between said substrate and said
active layer, said substrate being arranged adjacent said backing block and said first acoustically active laye
adjacent said piezoelectric layer.

21. The transducer of claim 19, wherein said transformer further includes a second acoustically active layer
opposite side of said substrate from said first acoustically active layer.

22. The transducer of claim 19, wherein said transformer further includes second and third acoustically activ
between said substrate and said backing block.

23. The transducer of claim 19, wherein said first acoustically active layer is arranged adjacent said piezoele
interconnect layer being arranged between said substrate and said first acoustically active layer and second
active layers arranged between said substrate and said backing block.

24. The transducer of claim 23, further comprising at least one additional acoustically active layer, said first a
additional acoustically active layers being arranged between said interconnect layer and said piezoelectric la

25. The transducer of claim 19, wherein said first acoustically active layer is arranged adjacent said piezoele
transducer comprising a plurality of independent elements arranged in an array in one or two dimensions, ea
including a section of said piezoelectric layer and a section of said first acoustically active layer.

26. The transducer of claim 19, wherein said transducer comprises a plurality of independent elements arran

27. The transducer of claim 19, wherein said transformer is designed to provide the transducer with a freque
a bandwidth at the-3 dB points of at least 70%, at least 80% or at least 90% of the center frequency.

28. The transducer of claim 19, wherein said transformer is designed to provide the transducer with a transm
having a width at the-10 dB points of less than 1.6 cycles, less than 1.4 cycles or less than 1.2 cycles of the

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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

In re Application of	:	
Yan et al.	:	LETTER REGARDING
Application No. 10/982,708	:	PATENT TERM ADJUSTMENT
Filed: November 5, 2004	:	
Attorney Docket No. 02307W-140110US	:	

This letter is in response to the "Good Faith Letter In Response to Patent Term Adjustment Error" filed September 25, 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 **GRANTED.**

The Office has updated the PALM screen to reflect that the Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is 733 days. A copy of the updated PALM screen, showing the correct determination, is enclosed.

On June 25, 2009, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated the patent term adjustment to date is 850 days.

Applicants indicate the patent term adjustment may be incorrect because the Office failed to enter a reduction for the Information Disclosure Statement ("IDS") filed June 15, 2009, after a reply had been filed to an outstanding Office action on February 18, 2009. Applicants indicate a reduction of 117 days appears to be appropriate. A review of the record indicates applicants are correct.

Per 37 CFR 1.704(c)(8), circumstances that will result in a reduction in the period of adjustment include:

> 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, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date the initial reply was filed and ending on the date that the supplemental reply or other such paper was filed.

The record fails to indicate the examiner expressly requested the IDS. The IDS did not contain a statement in accordance with 37 CFR 1.704(d). Therefore, entry of a reduction in patent term adjustment due to the filing of the IDS is appropriate. The proper reduction is 117 days which is the number of days beginning on the day after applicants filed the February 18, 2009 reply, and ending on the date applicants filed the June 15, 2009 IDS.

In view of the preceding discussion, the Office will enter a 117-day reduction in patent term adjustment.

The patent term adjustment at the time of mailing of the notice of allowance is 733 days which is the 912 days of Office delay reduced by 179 (62 + 117) days of Applicant delay.

As this letter was submitted as an advisement to the Office of an error in applicants' favor, the Office will not assess the $200.00 fee under 37 CFR 1.18(e). The Office thanks applicants for their good faith and candor in bringing this to the attention of the Office.

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.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of REVISED PALM screen

Day : Friday
Date: 2/26/2010

PALM INTRANET

Time: 12:32:39

PTA Calculations for Application: 10/982708			
Application Filing Date:	11/04/2004	PTO Delay (PTO):	912
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	62
Post-Issue Petitions:	0	Total PTA (days):	733
PTO Delay Adjustment:	-117		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
57	02/26/2010	ADJUSTMENT OF PTA CALCULATION BY PTO		117	
49	06/25/2009	MAIL NOTICE OF ALLOWANCE	7		37
48	06/24/2009	ISSUE REVISION COMPLETED			
47	06/24/2009	DOCUMENT VERIFICATION			
46	06/24/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
45	06/24/2009	CASE DOCKETED TO EXAMINER IN GAU			
44	06/22/2009	NOTICE OF ALLOWABILITY			
40	06/15/2009	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
39	06/15/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
38	03/26/2009	DATE FORWARDED TO EXAMINER			
37	02/18/2009	RESPONSE AFTER NON-FINAL ACTION		62	35
36	02/18/2009	REQUEST FOR EXTENSION OF TIME - GRANTED			
35	09/18/2008	MAIL NON-FINAL REJECTION			
34	09/15/2008	NON-FINAL REJECTION			
33	09/05/2008	DATE FORWARDED TO EXAMINER			
32	07/25/2008	RESPONSE TO ELECTION / RESTRICTION FILED			
31	06/27/2008	MAIL RESTRICTION REQUIREMENT	905		-1
30	06/23/2008	REQUIREMENT FOR RESTRICTION / ELECTION			
29	10/17/2007	WITHDRAW FLAGGED FOR 5/25			
28	10/16/2007	FLAGGED FOR 5/25			
27	10/08/2007	CASE DOCKETED TO EXAMINER IN GAU			
26	11/09/2005	RECEIPT OF ALL ACKNOWLEDGEMENT LETTERS			

25	11/09/2005	RECEIPT OF ACKNOWLEDGMENT LETTER			
24	08/15/2005	RECEIPT OF ACKNOWLEDGMENT LETTER			
23	06/22/2005	RECEIPT OF ACKNOWLEDGMENT LETTER			
22	05/10/2005	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
21	05/10/2005	CASE DOCKETED TO EXAMINER IN GAU			
20	03/31/2005	APPLICATION RETURN FROM OIPE			
19	04/01/2005	APPLICATION IS NOW COMPLETE			
18	03/31/2005	APPLICATION RETURN TO OIPE			
17	03/31/2005	APPLICATION DISPATCHED FROM OIPE			
16	03/31/2005	APPLICATION IS NOW COMPLETE			
15	02/17/2005	PAYMENT OF ADDITIONAL FILING FEE/PREEXAM			
14	02/17/2005	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
13	02/17/2005	APPLICANT HAS SUBMITTED NEW DRAWINGS TO CORRECT CORRECTED PAPERS PROBLEMS			
12	02/16/2005	AGENCY REFERRAL LETTER MAILED			
11	02/16/2005	AGENCY REFERRAL LETTER MAILED			
10	02/16/2005	AGENCY REFERRAL LETTER MAILED			
9	02/15/2005	REFERRED BY L&R FOR THIRD-LEVEL SECURITY REVIEW. AGENCY REFERRAL LETTER GENERATED			
8	02/15/2005	REFERRED BY L&R FOR THIRD-LEVEL SECURITY REVIEW. AGENCY REFERRAL LETTER GENERATED			
7	02/15/2005	REFERRED BY L&R FOR THIRD-LEVEL SECURITY REVIEW. AGENCY REFERRAL LETTER GENERATED			
6	12/15/2004	NOTICE MAILED--APPLICATION INCOMPLETE--FILING DATE ASSIGNED			
5	12/14/2004	AUTO REFERRED BY PALM PRE EXAM			
4	12/06/2004	CLEARED BY OIPE CSR			
3	12/06/2004	CASE CLASSIFIED BY OIPE			
2	11/16/2004	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	11/05/2004	INITIAL EXAM TEAM NN			

Search Another: Application# Search

EXPLANATION OF PTA CALCULATION

UNITED STATES PATENT AND TRADEMARK OFFICE

4-22-09

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P.O. Box 1450
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www.uspto.gov

Patent No. : 7,495,070
Ser. No. : 10/982,727
Inventor(s) : A.S. Shrader, et. a.
Issued : February 24, 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
401 Dulany Street
Alexandria, VA 22314

By fax: (703) 872-9306
ATTN: Office of Petitions

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, , no additional fee is required.

Eva James
For Mary Diggs
Decisions & Certificates
of Correction Branch
(703) **308-9390 ext. 124** or 125

Tani Chen
Wolf, Greenfield & Sacks
Federal Reserve Plaza
600 Atlantic Avenue
Boston, MA 02210-2206

ej

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Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WOLF GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON, MA 02210-2206

MAILED

NOV 10 2009

OFFICE OF PETITIONS

In re Patent of Schepartz et al. :
Patent No. 7,495,070 :
Issue Date: February 24, 2009 :
Application No. 10/982,727 :
Filing Date: November 4, 2004 :
Attorney Docket No. Y0087.70035US00 :

Letter Granting Request

This is a letter in response to the paper filed June 4, 2009, which is being treated as a request under 37 CFR 3.81 to accept the correction of the assignee data on the front page of the patent.

The request under 37 CFR 3.81 is **GRANTED**.

37 CFR 3.81(b) reads:

> Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a)) and the processing fee set forth in § 1.17(i) of this chapter.

In other words, the request under 37 CFR 3.81(b) will be granted when:

(1) a request under 37 CFR 3.81 and the fee set forth in 37 CFR 1.17(i) are filed,
(2) the assignment was submitted for recordation prior to issuance of the patent, and
(3) a request for a certificate of correction and the fee set forth in 37 CFR 1.20(a) are submitted.

Patentees have met the requirements set forth above. Therefore, the request is granted.

The required fee of $130 has been charged to the deposit account identified in the request.

The Certificates of Correction Branch will issue the requested certificate of correction 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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 6/7/2007

TO SPE OF : ART UNIT **1600 (1617)**

SUBJECT : Request for Certificate of Correction on Patent No.: **7,202,235**
Attn: Barbara P. Badio

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file ***(PFW)**, within **7** days to:
Certificates of Correction Branch – 2900 South Tower ste.9A43A
Palm location **7580** or forward ***(IFW)** to scanning using document code **COCX**.

***Ok to enter changes to claim 32 as req. in COCIN?**

Ernest C. White, LIE (703) 308-9390x122
Certificates of Correction Branch

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☒ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments:

SREENI PADMANABHAN
SUPERVISORY PATENT EXAMINER
SPE 6/12/07 1617 **Art Unit**

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. : 7202235B2

APPLICATION NO. : 10/982,728

ISSUE DATE : April 10, 2007

INVENTOR(S) : Stuart B. LEVY *et al.*

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

In Claim 1, column 21, line 22-25, replace "R^6, R^7, R^8 and each independently hydrogen, hydroxyl, halogen, thiol, alkyl, alkenyl, alkynyl, aryl, alkoxy, alkylthio, alkylsulfinyl, alkylsulfonyl, alkylamino, or an arylalkyl;" with --R^6, R^7, and R^8 are each independently hydrogen, hydroxyl, halogen, thiol, alkyl, alkenyl, alkynyl, aryl, alkoxy, alkylthio, alkylsulfinyl, alkylsulfonyl, alkylamino, or an arylalkyl--

In Claim 32, column 22, line 60, replace "claim **1**" with --claim **31**--

Express Mail Label No. EV 956 474 324 US Dated: May 21, 2007

MAILING ADDRESS OF SENDER (Please do not use customer number below):
Cynthia M. Soroos
LAHIVE & COCKFIELD, LLP
One Post Office Square
Boston, Massachusetts 02109-2127

MAY 25 2007

Certificate of Corrections
2900 South Tower Ste 9A43A
PALM: 7580
ATTN: Ernest C. White

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Alexandria, VA 22313-1450
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APR 15 2005

REINHART BOERNER VAN DEUREN S.C.
ATTN: LINDA GABRIEL, DOCKET COORDINATOR
1000 NORTH WATER STREET
SUITE 2100
MILWAUKEE WI 53202

In re Application of:	:
Donald W. Meyer	:
Serial No.: 10/982,753	: PETITION TO MAKE SPECIAL
Filed: October 27, 2004	:
Attorney Docket No.: 8767	:

This is in response to applicant's petition filed March 31, 2005, to make the above-identified application special under the provisions of 37 CFR 1.102(d), based on applications relating to inventions for countering terrorism.

Applicants has satisfied the provisions set forth in M.P.E.P. 708.02, XI. The $130.00 petition fee as required by 37 CFR 1.17(h) was received. Therefore, the petition is **GRANTED**.

Should there be any questions with regard to this letter please contact Marianne C. Seidel by letter addressed to the Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at 571-272-0584 or by facsimile transmission to the general Office facsimile number.

Marianne C. Seidel

Marianne C. Seidel
Special Program Examiner
Technology Center 1600

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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 13 2006
OFFICE OF PETITIONS

In re Application of	:	
Brooks et al.	:	DECISION ON PETITION
Application No. 10/982,759	:	TO WITHDRAW
Filed: November 4, 2004	:	FROM RECORD
Attorney Docket No. 025625-000140US	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 24, 2005.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to the attorneys associated with Customer Number 20350 has been revoked by the assignee of the entire interest of the patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicants.

Telephone inquires concerning this decision should be directed to 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:

WILSON SONSINI GOODRICH & ROSATI
650 PAGE MILL ROAD
PALO ALTO CA 94304-1050

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SILVERBROOK RESEARCH PTY LTD
393 DARLING STREET
BALMAIN NSW 2-041 AU AUSTRALIA

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JAN 10 2007

OFFICE OF PETITIONS

In re Application of
David William Jensen
Application No. 10/982,769
Filed: November 8, 2004
Attorney Docket No. BAL106US

: DECISION ON PETITION
: UNDER 37 CFR 1.78(a)(3)

This is a decision on the petition under 37 CFR 1.78(a)(3), filed October 2, 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 previously filed amendment dated August 2, 2005.

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 has **not** been reviewed on the merits because the petition provided has not been signed.

Pursuant to 37 CFR 1.33, amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by:

(1) A registered attorney or agent of record appointed in compliance with §1.34(b);
(2) A registered attorney or agent not of record who acts in a representative capacity under the provisions of § 1.34(a);
(3) 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.

Before the petition under 37 CFR § 1.78(a)(3) can be granted, a renewed petition properly executed 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)) 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 Charlema R. Grant at (571) 272-3215.

Nancy Johnson for

Ira Lazarus
Supervisory Petitions Examiner
Office of Petitions

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P.O. Box 1450
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FEB 05 2007

OFFICE OF PETITIONS

SILVERBROOK RESEARCH PTY LTD
393 DARLING STREET
BALMAIN NSW 2-041 AUSTRALIA

In re Application of	:
David William Jensen	:
Application No. 10/982,785	: DECISION ON PETITION
Filed: November 8, 2004	: UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. BAL107US	:

This is a decision on the petition under 37 CFR 1.78(a)(3), filed June 19, 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 applications, 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 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 3653 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.

(Charles Steven Brantley)

for Frances Hicks
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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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
10/982,785	11/08/2004	3653	790	BAL107US	7	6	1

CONFIRMATION NO. 9203
CORRECTED FILING RECEIPT
OC000000022241321
OC000000022241321

24011
SILVERBROOK RESEARCH PTY LTD
393 DARLING STREET
BALMAIN, NSW 2041
AUSTRALIA

Date Mailed: 01/30/2007

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

David William Jensen, Balmain, AUSTRALIA;

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a CON of 10/713,082 11/17/2003 PAT 6,830,246
which is a CON of 10/309,230 12/04/2002 PAT 6,659,447
which is a CON of 10/052,425 01/23/2002 PAT 6,619,654

Foreign Applications

AUSTRALIA PR2925 02/07/2001

If Required, Foreign Filing License Granted: 12/11/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/982,785

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Apparatus for feeding sheets of media from a stack

Preliminary Class

271

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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STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

Mail Date: 04/21/2010

Applicant	: Jeffrey Wong	: DECISION ON REQUEST FOR
Patent Number	: 7590780	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/982,801	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/08/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1342** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK NY 10112

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APR 08 2005

OFFICE OF PETITIONS

In re Application of
Makoto Gohda et al.
Application No. 10/982,802
Filed: November 8, 2004
Attorney Docket No. 00862.103194.

: DECISION GRANTING
: PETITION

This is a decision on the petition filed February 25, 2005, which is treated as a petition under 37 CFR 1.182, requesting that the Notice of Omitted Item(s) in a Nonprovisional Application, "Notice", mailed January 27, 2005, be withdrawn.

The application was filed November 8, 2004. However, on January 27, 2005, the Office of Initial Patent Examination mailed a "Notice" stating, that the application had been accorded a filing date but that page 32 of the specification appeared to have been omitted.

In response, the present petition was filed. Petitioners argue that a forty page specification was filed with the application on November 8, 2004. In support thereof, petitioner submits a copy of a postcard receipt which is properly itemized and which includes a 40 page specification. Furthermore, the postcard receipt lacks any notation on non-receipt of any item listed.

Also, in review of the application file, Page 32 of the specification has been located among the application papers filed on November 8, 2004, it is labeled "Claim of Priority" and is identical to the page submitted on petition.

The petition is therefore **GRANTED**. The "Notice" mailed January 27, 2005 is vacated.

In view of the above, no petition fee is necessary and thus, deposit account no. 06-1205 will be credited in the amount of $130.00. Petitioner should note though, for the future, that effective November 22, 2004, the fee for a petition under 37 CFR 1.182 has been increased to $400.00.

The application is being forwarded to the Office of Initial Patent Examination for further pre-examination processing.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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BALMAIN 2041 AU AUSTRALIA

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APR 0 2 2008

OFFICE OF PETITIONS

In re Application of Kia Silverbrook Application No. 10/982,804 Filed: November 8, 2004 Attorney Docket No. XMB019US	: : : : :	DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.78(a)(3), filed July 18, 2006, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to nonprovisional application nos. 10/729,151 and 09/112,774.

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, nonprovisional application is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii).

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 and 365(c) to the above-noted, prior-filed 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 applications under 37 CFR 1.78(a)(3) should not be construed as meaning that the instant application is entitled to the benefit of the prior-filed applications. In order for the instant application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. §§ 120 and 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 applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the instant application is entitled to the benefit of the earlier filing date.

A Draft Corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional applications, accompanies this decision on petition.

Receipt of the $1,370 petition is acknowledged.

The application is being referred to Technology Center AU 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 Petitions Attorney Cliff Congo at 571-272-3207.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

Enc: Draft Corrected Filing Receipt (1 page)

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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
10/982,804	11/08/2004	2853	790	XMB019US	11	1

CONFIRMATION NO. 9207

CORRECTED FILING RECEIPT

24011
SILVERBROOK RESEARCH PTY LTD
393 DARLING STREET
BALMAIN, 2041
AUSTRALIA

OC000000028798834

Date Mailed: 03/19/2008

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please 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;

Power of Attorney: None

Domestic Priority data as claimed by applicant
This application is a CON of 10/729,151 12/08/2003
which is a CON of 09/112,774 07/10/1998 ABN

Foreign Applications
AUSTRALIA PP0879 12/12/1997
AUSTRALIA PO7991 07/15/1997

If Required, Foreign Filing License Granted: 12/10/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 10/982,804**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Platen for a print on demand digital device

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).

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OFFICE OF PETITIONS

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BALMAIN 2041 AU AUSTRALIA

In re Application of	:
Kia Silverbrook, et al.	: DECISION ON PETITION
Application No. 10/982,834	: UNDER 37 CFR 1.78(a)(3)
Filed: November 8, 2004	:
Attorney Docket No. XMB021US	:

This is a decision on the petition under 37 CFR 1.78(a)(3), filed November 4, 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 concurrently filed amendment.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is applicable to applications filed on or after November 29, 2000 and is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Further, a 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(s), unless previously submitted;

(2) the surcharge set forth in § 1.17(t); and

(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

The petition does not comply with item (1).

Petitioner failed to submit an Application Data Sheet or an amendment to the first sentence of the specification following the title to include a proper reference to prior-filed application No. 09/693,078. The amendment identifies the prior application as 09/690,078, which does not name as an inventor at least one inventor named in the later-filed application

37 CFR 1.78(a)(2)(i) requires that any nonprovisional application claiming the benefit of one or more prior-filed copending nonprovisional applications must contain or be amended to contain a reference to each such prior-filed application, identifying it by application number (consisting of the series code and serial number) and indicating the relationship of the applications.

Before the petition under 37 CFR § 1.78(a)(3) can be granted, a renewed petition under 37 CFR § 1.78(a)(3) an Application Data Sheet or a substitute amendment (complying with 37 CFR 1.121 and 37 CFR 1.76(b)(5)) are required.

The issue fee in this case was paid on November 17, 2008. Therefore, it is conceivable that the application will issue before either the filing or the granting of a renewed petition under 37 C.F.R. §1.78(a)(3). In such case, submission of a certificate of correction (along with the $100 fee) will be required as a condition for granting the petition under 37 C.F.R. §1.78(a)(3).

Further correspondence with respect to this matter should be delivered through one of the following mediums:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

By internet: EFS-Web[1]

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1] www.uspto.gov/ebc/efs help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

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JUN 17 2009

OFFICE OF PETITIONS

In re Application of	:
Kia Silverbrook, et al.	:
Application No. 10/982,834	: DECISION ON PETITION
Filed: November 8, 2004	: UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. XMB021US	:

This is a decision on the renewed petition, filed April 30, 2009, which is being treated as a petition under 37 CFR 1.78(a)(3), seeking to add a claim for priority under 35 U.S.C. § 120 to nonprovisional Application No. 09/693,078, filed October 20, 2000, by way of a certificate of correction.

The petition is **GRANTED**.

A review of the file record fails to disclose that a claim for the benefit of priority to the above-noted, prior-filed nonprovisional application was made within the time period set forth in 37 CFR 1.78(a)(2)(ii) and further failed to include a proper reference to the prior-filed application as required by 37 CFR 1.78(a)(2)(i) and 1.78(a)(2)(iii).

The instant application was filed November 8, 2004. Therefore, since this application was filed after November 29, 2000, a petition under 37 CFR 1.78(a)(3), along with submission of a Certificate of Correction, is the appropriate avenue of relief to accept a late claim for the benefit of priority to a prior-filed nonprovisional application after issuance of the application into a patent. *See* MPEP 1481.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;

(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

As the petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. § 120 to the above-noted, prior-filed nonprovisional application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

A corrected Filing Receipt, which includes the priority claim to the above-noted, prior-filed nonprovisional application, accompanies this decision on petition.

Petitioner is advised that the granting of this petition and the mailing of a corrected Filing Receipt should not be viewed as an indication that a determination has been made that this application is entitled to claim benefit of the prior-filed application. A determination that applicant is entitled to claim benefit of the prior-filed application will be made by the Examiner prior to the mailing of a certificate of correction.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3204.

This application is being referred to the Certificates of Correction Branch for processing the request for a certificate of correction in accordance with this decision on the petition under 37 CFR 1.78(a)(3).

Sherry D. Brinkley
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
10/982,834	11/08/2004	2626	1090	XMB021US	11	1

CONFIRMATION NO. 9757

CORRECTED FILING RECEIPT

24011
SILVERBROOK RESEARCH PTY LTD
393 DARLING STREET
BALMAIN, 2041
AUSTRALIA

OC000000036414959

Date Mailed: 06/10/2009

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)

Kia Silverbrook, Balmain, AUSTRALIA;
Paul Lapstun, Balmain, AUSTRALIA;
Simon Robert Walmsley, Balmain, AUSTRALIA;

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a CON of 10/636,220 08/08/2003 PAT 7,155,394
which is a CON of 09/693,078 10/20/2000 PAT 6,647,369

Foreign Applications

If Required, Foreign Filing License Granted: 12/16/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 10/982,834**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

PRINTED MEDIA WITH MACHINE READABLE MARKINGS

Preliminary Class

704

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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OFFICE OF PETITIONS

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393 DARLING STREET
BALMAIN NSW 2-041 AU
AUSTRALIA

In re Application of	:
Kia Silverbrook	:
Application No. 10/982,844	: DECISION ON PETITION
Filed: November 8, 2004	: UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. XMB024US	:

This is a decision on the petition under 37 CFR 1.78(a)(3), filed July 18, 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 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 prior-filed nonprovisional applications is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3).

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 prior-filed nonprovisional application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3208. 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 2854 for appropriate action on the amendment filed July 18, 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 nonprovisional application.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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JUL 24 2007

NOVAK DRUCE DELUCA & QUIGG, LLP
1300 EYE STREET, NW
SUITE 1000 WEST TOWER
WASHINGTON DC 20005

In re Application of	:
Kerstin Schierle-Arndt et al	:
Serial No.: 10/982,850	: PETITION DECISION
Filed: November 28, 2004	:
Attorney Docket No.: PF 55063	:

This is in response to the petition under 37 CFR 1.181, filed May 18, 2007, requesting withdrawal of the Finality of the Office action mailed March 23, 2007.

BACKGROUND

A review of the file history shows that the examiner mailed a first Office action to applicants on May 16, 2006, setting forth a rejection of claims 1 and 6-9 under 35 U.S.C. 102(b) as anticipated by Adams et al or Schierle-Arndt in view of Phillips et al and also as anticipated by Cunningham in view of Martino. Claims 1-5 were rejected under 35 U.S.C. 103(a) as unpatentable over Schierle-Arndt et al in view of Gagnebin et al and Egalon et al and Adams et al

Applicants replied on November 16, 2006, by amending claim 1 and addressing the rejections of record appropriately. The amendment was held non-compliant by Notice mailed December 8, 2006, and a compliant amendment was submitted on January 8, 2007.

The examiner mailed a Final Office action to applicants on March 23, 2007, setting forth a rejection of claims 1 and 6-9 under 35 U.S.C. 102(b) as anticipated by Cunningham in view of Smith. Claims 1-9 were also rejected under 35 U.S.C. 103(a) as unpatentable over Cunningham in view of Smith and further in view of Lewis. Further the rejections of the previous Office action were specifically indicated as having been withdrawn in view of the limitation of less than 0.1% carbon in the iron

Applicants filed this petition on May 18, 2007, objecting to the finality of the Office action as premature. Applicants also filed a response to the Office action which has not been considered by the examiner pending decision on this petition.

DISCUSSION

Applicants request withdrawal of the finality of the Office action of March 23, 2007, on the basis that the examiner has introduced a new ground of rejection which was not necessitated by applicants' actions or amendments.

As stated by applicants, the amendment to claim 1 modified one limitation and added a second limitation. Claim 1, in its original form, recited "porous iron" and was amended to recite "wherein said iron is porous..." The added limitation pertained to the amount of carbon in the iron. In the first Office action the Cunningham reference was applied and construed as teaching porous iron as evidenced by Martino et al, which teaches a similar iron amalgam and states it is porous. Another reference, Phillips et al, applied in a different rejection, was also used to teach that iron amalgams are inherently porous. In the final Office action, Cunningham was again applied in the same manner as in the first Office action, but a different reference, Smith, was used to show inherent porosity of the iron amalgam. Applicants did not address the teachings of either Martino et al or Phillips et al in their response to the first Office action, but did address the primary references.

The second Office action, which contains the same primary reference, Cunningham et al, repeats the statements of the teachings of the reference and its inherent porosity. Evidence of iron amalgams having inherent porosity is provided by a reference equivalent to Martino et al or Phillips et al. In view of this, and applicants' failure to argue the evidence references in reply to the first Office action, the rejection set forth in the Final Office action cannot be considered to be a new ground of rejection with respect to porosity, as argued by applicants

DECISION

The petition is **DENIED.**

The application will be forwarded to the examiner for consideration of the amendment filed May 18, 2007.

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.

John LeGuyader
Director, Technology Center 1600

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OLIFF & BERRIDGE, PLC
P.O. BOX 19928
ALEXANDRIA VA 22320

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JAN 25 2005

OFFICE OF PETITIONS

In re Application of	:	
Masayuki Nashiki	:	
Application No. 10/982,881	:	DECISION GRANTING PETITION
Filed: 8 November, 2004	:	
Att'y Docket No. 121682	:	

This is a decision on the petition filed under 37 CFR 1.53 on 7 January, 2005, which is treated as a petition requesting that the Notice of Incomplete Nonprovisional Application mailed on 4 January, 2005, be withdrawn.

On 8 November, 2004, the above-identified application was filed.

On 4 January, 2005, Initial Patent Examination Division mailed a Notice of Incomplete Nonprovisional Application, stating that the application had not been accorded a filing date because the specification was missing and did not include at least one claim, and that the application was deposited without drawings. The Notice also stated that the oath or declaration was missing.

In response, on 7 January, 2005, the present petition, and, *inter alia*, 117 pages of specification and claims, 22 sheets of drawings, and an executed declaration were filed. Petitioner argues that the specification, including the claims, and drawings were filed with the other application papers on 8 November, 2004, and that the specification and drawings were misplaced in the U.S. Patent and Trademark Office (Office). In support of the petition, a copy of petitioner's postcard receipt was supplied. The postcard receipt shows an Office stamp of 8 November, 2004, the above-identified application number, and identifies the application by attorney docket number, inventor's name and invention title, and acknowledges receipt of, *inter alia*, 118 pages of specification, including claims, 22 sheets of drawings, and an executed declaration. Petitioner requests that the application, including the specification and drawings, be accorded a filing date of 8 November, 2004.

Upon review of the record, no pages of specification or sheets of drawings deposited on 8 November, 2004, have been located among the application papers. However, the evidence is convincing that the application papers deposited on 8 November, 2004, included 117 pages of specification and 22 sheets of drawings, which were subsequently misplaced in the USPTO. Therefore, the application, including the 117 pages of specification and 22 sheets of drawings, was complete on filing and entitled to a filing date of 8 November, 2004.[1]

In view of the above, the petition is granted.

The Notice of Incomplete Nonprovisional Application mailed on 7 April, 2004, is withdrawn. The fee paid of $130.00 will be credited to counsel's deposit account, No. 15-0461, as authorized in the present petition.

The application will be processed and examined using the 117 pages of specification and 22 sheets of drawings supplied on 7 January, 2005.

The application is being returned to Initial Patent Examination Division for processing with a filing date of 8 November, 2004, using the application papers filed on that date, and the 117 pages of specification and 22 sheets of drawings supplied with the present petition.

Telephone inquiries specific to this matter should be directed to the undersigned at 571 272-3231.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

[1] A review of the official file reveals that 117 pages of specification, including the claims, were supplied on 7 January, 2005. As such, it is obvious that the specification and claims consisted of 117 rather than 118 pages. However, since the individual at the USPTO who compared petitioners' postcard to the items received found that the specification as filed contained at least 117 pages, the evidence is persuasive that 117 pages of specification, including claims, were among the application papers received on 8 November, 2004, but were subsequently misplaced in the U.S. Patent and Trademark Office.

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THE FARRELL LAW FIRM, P.C.
333 EARLE OVINGTON BOULEVARD
SUITE 701
UNIONDALE NY 11553

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AUG 20 2008

In re Application of	:	
SON et al.	:	
Application No. 10/982,935	:	ON PETITION
Filed: 11/05/2004	:	
Attorney Docket No. 678-1779	:	

This is a decision on the petition under 37 CFR 1.137(a), filed July 22, 2008, to revive the above-identified application.

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 additional fee is required for filing a "Renewed Petition under 37 CFR 1.137(a)."

The application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Fee(s) Due, mailed January 28, 2008, which set a three-month statutory period for response. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on April 29, 2008. On May 22, 2008, the Office mailed a Notice of Abandonment.

On petition, applicants asserted that the delay in replying to the Notice of Allowance and Fee(s) Due was unavoidable due to a clerical error in docketing. Specifically, applicants explained:

> The entire delay in filing a response to the Notice of Allowance from the due date for the reply until the filing of a grantable petition was unavoidable.
>
> As you can see from the attached docket record for this case, the Issue Fee payment was docketed along with a notation to file a continuation application. The continuation application was filed on March 19, 2008. Our docket clerk inadvertently indicated that the

Issue Fee was paid on the same day that the continuation application was filed. Accordingly, the Issue Fee payment no longer appeared on the docket on its due date of April 28, 2008, and Applicant did not file a timely response to the Notice of Allowance.

A grantable petition to revive an abandoned application 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 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 37 CFR 1.137(a) was unavoidable; and

(4) Any terminal disclaimer (and fee set forth in § 1.20(d)) required pursuant 37 CFR 1.137(d).

The present petition lacks item (3).

Initially, the Office notes that in an application abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. See MPEP 711.03(c)(III)(A)(1). Therefore, the filing of a Request for Continued Examination(RCE) is not a proper reply under 37 CFR 1.137(a)(1) or (b)(1). In view of the authorization contained in the RCE to charge any additional fees due, the $1,440.00 issue fee and the $300.00 publication fee will be charged to Applicants' deposit account. **Applicants are advised that the issue fee and publication fee in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, applicants may request that it be applied towards the issue fee and publication fee required by the new Notice of Allowance.**[1]

The Director 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 be "unavoidable." 35 U.S.C. § 133. 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

[1] The request to apply the issue fee to the new Notice must be made in writing and should be accompanied by the new Issue Fee Transmittal Form PTOL-85(b), along with a copy of this decision. The request and pertinent attachments should be addressed to Box Issue Fee. Additionally, if the issue fee has increased from the previously paid issue fee, the balance due must be submitted. **Failure to request in writing that the previously paid issue fee be applied towards the new Notice and payment of any balance due will result in the abandonment of the application.**

> unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present. In re Mattullath, 38 App. D.C. 497, 514-15 (1912) (quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

The showing of record is inadequate to establish unavoidable delay within the meaning of 35 U.S.C. § 133 and 37 CFR 1.137(a). Specifically, an application is "unavoidably" abandoned where petitioner, or counsel for petitioner, takes all action necessary for a proper response to the outstanding Office action, but through the intervention of unforeseen circumstances, such as failure of mail, facsimile, or the negligence of otherwise reliable employees, the response is not timely received in the Office. Ex parte Pratt, 1887 Dec. Comm'r Pat. 31 (Comm'r Pat. 1887).

A delay resulting from an error (e.g., a docketing error) on the part of an employee in the performance of a clerical function may provide the basis for a showing of "unavoidable" delay, provided it is shown that: (1) the error was the cause of the delay at issue; (2) there was in place a business routine for performing the clerical function that could reasonably be relied upon to avoid errors in its performance; (3) and the employee was sufficiently trained and experienced with regard to the function and routine for its performance that reliance upon such employee represented the exercise of due care. See MPEP 711.03(c)(III)(C)(2).

An adequate showing requires statements by all persons with direct knowledge of the circumstances surrounding the delay, setting forth the facts as they know them. An applicant must supply a thorough explanation of the docketing and call-up system in use and must identify the types of records kept and the person responsible for the maintenance of the system. This showing must include copies of mail ledgers, docket sheets, file-wrappers and such other records as may exist which would substantiate an error in docketing, and include an indication as to why the system failed in this instance to provide adequate notice that a reply was due. An applicant must also supply information regarding the training provided to the personnel responsible for the docketing error, degree of supervision of their work, examples of other work functions carried out, and checks on the described work that were used to assure proper execution of assigned tasks.

The Office notes that an adequate showing requires statements by all persons with direct knowledge of the circumstances surrounding the delay, setting forth the facts as they know them. Applicants did not identify the docketing staff or the staff member who did not enter the deadline for reply in the docketing system. Furthermore, applicants did not supply information regarding the training provided to the personnel responsible for the docketing error, degree of supervision of their work, examples of

other work functions carried out, and checks on the described work that were used to assure proper execution of assigned tasks. Accordingly, the current showing of record is inadequate to establish unavoidable delay within the meaning of 37 CFR 1.137(a).

If applicants cannot provide the evidence necessary to establish unavoidable delay, applicants may file 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 required reply (unless previously submitted);

(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 was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

(4) Any terminal disclaimer (and fee set forth in § 1.20(d)) required pursuant 37 CFR 1.137(d).

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Correspondence may also be submitted via the Electronic Filing System of the USPTO.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3211.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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THE FARRELL LAW FIRM, P.C.
333 EARLE OVINGTON BOULEVARD
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UNIONDALE NY 11553

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In re Application of	:	
SON et al.	:	
Application No. 10/982,935	:	ON PETITION
Filed: 11/05/2004	:	
Attorney Docket No. 678-1779	:	

This is a decision on the petition under 37 CFR 1.137(b), filed October 19, 2008, to revive the above-identified application.

The application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Fee(s) Due, mailed January 28, 2008, which set a three-month statutory period for response. Accordingly, the application became abandoned on April 29, 2008. On May 22, 2008, the Office mailed a Notice of Abandonment.

Applicants submitted the required reply in the form of the issue fee, publication fee, a Request for Continued Examination (RCE), and an Information Disclosure Statement. Applicants made an appropriate statement of unintentional delay and paid the petition fee. Accordingly, the petition is **GRANTED**.

Applicants are advised that the issue fee and publication fee in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, applicants may request that they be applied towards the issue fee and publication fee required by the new Notice of Allowance.[1]

This matter is being referred to Technology Center AU 2617 for processing of the RCE and the submission under 37 CFR 1.114.

[1] The request to apply the issue fee to the new Notice must be made in writing and should be accompanied by the new Issue Fee Transmittal Form PTOL-85(b), along with a copy of this decision. The request and pertinent attachments should be addressed to Box Issue Fee. Additionally, if the issue fee has increased from the previously paid issue fee, the balance due must be submitted. **Failure to request in writing that the previously paid issue fee be applied towards the new Notice and payment of any balance due will result in the abandonment of the application.**

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3211.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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ALSTON & BIRD, LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

Mail Date: 04/21/2010

Applicant	: Steven G. Keener	: DECISION ON REQUEST FOR
Patent Number	: 7655320	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/982,938	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/05/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1309** 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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KENNETH G. PARRENT
148 E DIVISION
FAIRFIELD MT 59436

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MAR 3 1 2006
OFFICE OF PETITIONS

In re Application of	:	
Parrent, Kenneth Gaylord	:	
Application No. 10/982,959	:	ON PETITION
Filed: November 5, 2004	:	
Title: APPARATUS & METHOD FOR PROCESSING FLUIDS	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 10, 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 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 3746 for action on the merits commensurate with this decision.

Liana Chase
Petitions Examiner
Office of Petitions

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KENNETH G. PARRENT
148 E DIVISION
FAIRFIELD, MT 59436

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APR 12 2007

OFFICE OF PETITIONS

In re Application of :
Kenneth Gaylord Parrent :
Application No. 10/982,959 :
Filed: November 5, 2004 :
For: APPARATUS AND METHOD FOR :
PROCESSING FLUIDS

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed March 6, 2007, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the full amount due for the issue and publication fees on or before November 30, 2006, as required by the Notice of Allowance and Fee(s) Due, mailed August 30, 2006. Accordingly, the date of abandonment of this application is December 1, 2006. A Notice of Abandonment was mailed on December 14, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $700 and the publication fee of $300, (2) the petition fee of $750, and (3) a proper statement of unintentional delay. Accordingly, the issue and publication fees are accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3218.

This application is being referred to Publishing Division for appropriate processing in accordance with this decision on petition.

Frances Hicks
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/982,964	11/05/2004	William H. Waterhouse	WAT109	1723

54102 7590 07/18/2008
JAMES T. ROBINSON
222 E. MAIN STREET
NORMAN, OK 73069

EXAMINER
MENEZES, MARCUS

ART UNIT	PAPER NUMBER
3677	

MAIL DATE	DELIVERY MODE
07/18/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

James T. Robinson
222 E. Main Street
Norman, OK 73069

In re Application of	:	
William H. Waterhouse	:	**DECISION ON PETITION**
Application No. 10/982964	:	
Filed: 11/05/2004	:	
Attorney Docket No. WAT109	:	

This is a decision on the Petitions to Withdraw Holding of Abandonment under 37CFR 1.81, received in the United States Patent and Trademark Office (USPTO) on June 1, 2007, and July 15, 2008.

The petitions are **DISMISSED**.

The application was held abandoned for failure to timely file a proper reply to the Notice of Drawing Inconsistency with Specification mailed on February 5, 2007. Applicant's Petition contains documentation attesting to the timely submission of the issue fee payment. The application was not held abandoned for failure to timely submit the issue fee but rather for the reason stated above.

Applicant has not submitted any evidence to show that a proper reply to the Notice of Drawing Inconsistency with Specification was timely filed. Therefore, Applicant has failed to demonstrate that withdrawing the holding of abandonment is appropriate. Accordingly, the application is properly held abandoned.

If Applicant did not receive the Notice of Drawing Inconsistency with Specification mailed on February 5, 2007, Applicant may seek relief by filing a Petition to Withdraw the Holding of Abandonment based on Failure to receive an Office Action.

> In Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of Delgar, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of Delgar is applicable regardless of whether an application

is held abandoned for failure to timely respond (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133).

To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions).

Evidence of nonreceipt of an Office communication or action (e.g., Notice of Abandonment or an advisory action) other than that action to which reply was required to avoid abandonment would not warrant withdrawal of the holding of abandonment. Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment. See Lorenz v. Finkl, 333 F.2d 885, 889-90, 142 USPQ 26, 29-30 (CCPA 1964); Krahn v. Commissioner, 15 USPQ2d 1823, 1824 (E.D. Va 1990); In re Application of Fischer, 6 USPQ2d 1573, 1574 (Comm'r Pat. 1988).

Applicant may also seek relief by filing a petition for Revival of Abandoned Application under CFR § 1.137 (a) or (b). (Forms are available at USPTO website http://www.uspto.gov)

Under 37 CFR 1.137(a), a petition for the revival of an ***unavoidable*** abandoned application.
Under 37 CFR 1.137(b), a petition for the revival of an ***unintentionally*** abandoned application.

Further inquires with respect to filing a petition under 37 CFR § 1.137 may be directed to the Office of Petitions at 571-272-3282 or addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
Office of Petitions
P O Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

-- Telephone inquires relating to this matter may be directed to the undersigned in the Office of Data Management at 571-272-4200.

Kimberly Terrell, Manager
Office of Data Management
Patent Publication Branch

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

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AUG 17 2009

OFFICE OF PETITIONS

Harvey & Associates, P.C.
321 84th Avenue NE
Norman OK 73026

In re Application of	:	
William H. Waterhouse	:	
Application No. 10/982,964	:	ON PETITION
Filed: November 5, 2004	:	
Attorney Docket No. WAT109	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 17, 2008, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application was held abandoned for failure to timely file a proper reply to the Notice of Drawing Inconsistency with Specification mailed on February 5, 2007 which set a period for response of one month or thirty days, whichever was longer. Accordingly, the application went abandoned on March 8, 2007.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(3).

Petitioner has provided no statement of unintentional delay as required under 37 CFR 1.137(b)(3).

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) 272-6842.

Carl Friedman
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

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OCT 06 2009

OFFICE OF PETITIONS

Phillips Murrah, P.C.
101 N. Robinson Ave.
Corporate Tower, 13th Floor
OKLAHOMA CITY OK 73102

In re Application of	:	
William H. Waterhouse	:	
Application No. 10/982,964	:	ON PETITION
Filed: November 5, 2004	:	
Attorney Docket No. 000289.04	:	

This is a decision on the renewed petition under 37 CFR 1.137(b), filed September 3, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely respond to the Notice of Drawing Inconsistency with Specification mailed February 5, 2007, which set a period for reply of one month or thirty days, whichever was longer. Accordingly, by operation of law, the above-identified application became abandoned on March 8, 2007.

The petition decision mailed August 17, 2009 dismissed the petition under 37 CFR 1.137(b) filed December 17, 2008 for failure to provide the required statement under 37 CFR 1.137(b) (3).

The instant renewed petition includes a proper statement of unintentional delay.

The renewed 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 to the specification, (2) the petition fee of $810; and (3) the required statement of unintentional delay have been received. Accordingly, the specification amendment is accepted as having been unintentionally delayed.

The Power of Attorney and Change in Correspondence Address filed September 3, 2009 has been accepted.

Telephone inquiries concerning this decision should be directed to Carl Friedman at (571) 272-6842.

The application file is being referred to the Office of Data Management for further processing as a patent.

Carl Friedman
Petitions Examiner
Office of Petitions

Enclosure: Acceptance of new power of attorney

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/982,964	11/05/2004	William H. Waterhouse	000289.04

CONFIRMATION NO. 1723

POA ACCEPTANCE LETTER

34248
Phillips Murrah, P.C.
101 N. Robinson Ave.
Corporate Tower, 13th Floor
OKLAHOMA CITY, OK 73102

OC000000038153128

Date Mailed: 10/06/2009

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/03/2009.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/cdfriedman/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/982,964	11/05/2004	William H. Waterhouse	000289.04

CONFIRMATION NO. 1723

POWER OF ATTORNEY NOTICE

20491
Harvey & Associates, P.C.
321 84th Avenue NE
Norman, OK 73026

OC000000038149733

Date Mailed: 10/06/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/03/2009.

- The Power of Attorney to you in this application has been revoked by the applicant. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/cdfriedman/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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DARBY & DARBY P.C.
P.O. BOX 770
Church Street Station
New York NY 10008-0770

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NOV 2 5 2008

OFFICE OF PETITIONS

In re Application of	:	
Aharoni et al.	:	
Application No.: 10/982985	:	DECISION ON
Filing or 371(c) Date: 11/04/2004	:	PETITION
Attorney Docket Number: 06727/100M383-US3	:	

This is a decision in response to the "Petition for Revival of Abandoned Application Under 37 CFR 1.137(a)," filed October 24, 2008. The petition is properly treated as a petition to withdraw the holding of abandonment based upon failure to receive an Office action under 37 CFR 1.181.

The petition is **granted.**

The above-identified application became abandoned for failure to timely and properly reply to the final Office action, mailed December 5, 2007. The Office action set a three (3) month period for reply. Extensions of time under 37 CFR 1.136(a) were available. No reply having been received, the application became abandoned on March 6, 2008. A Notice of Abandonment was mailed September 4, 2008.

With the present petition, Applicant has demonstrated non-receipt of the Notice by a preponderance of the evidence[1].

In view of the foregoing, the holding of abandonment is hereby withdrawn.

The petition fee has been refunded to Applicant's deposit account as authorized in the present petition.

The application will be referred to Technology Center Art Unit 3738 for consideration by the Examiner of the Amendment in response to the final Office action filed with the present petition, in the normal course of business.

[1] Office records reveal that the correspondence address was inadvertently changed on August 27, 2007, with the filing of an "Authorization to Act in a Representative Capacity." Office records have been corrected.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DARBY & DARBY P.C.
P.O. BOX 770
Church Street Station
New York NY 10008-0770

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OFFICE OF PETITIONS

In re Application of	:	
Aharoni et al.	:	
Application No.: 10/982987	:	DECISION ON
Filing or 371(c) Date: 11/04/2004	:	PETITION
Attorney Docket Number: 06727/100M383-US2	:	

This is a decision in response to the "Petition for Revival of Abandoned Application Under 37 CFR 1.137(a)," filed October 24, 2008. The petition is properly treated as a petition to withdraw the holding of abandonment based upon failure to receive an Office action under 37 CFR 1.181.

The petition is **granted.**

The above-identified application became abandoned for failure to timely and properly reply to the final Office action, mailed December 26, 2007. The Office action set a three (3) month period for reply. Extensions of time under 37 CFR 1.136(a) were available. No reply having been received, the application became abandoned on March 27, 2008. A Notice of Abandonment was mailed October 16, 2008.

With the present petition, Applicant has demonstrated non-receipt of the Notice by a preponderance of the evidence[1].

In view of the foregoing, the holding of abandonment is hereby withdrawn.

The petition fee has been refunded to Applicant's deposit account as authorized in the present petition.

The application will be referred to Technology Center Art Unit 3738 for consideration by the Examiner of the Amendment in response to the final Office action filed with the present petition, in the normal course of business.

[1] Office records reveal that the correspondence address was inadvertently changed on August 27, 2007, with the filing of an "Authorization to Act in a Representative Capacity." Office records have been corrected.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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WILSON SONSINI GOODRICH & ROSATI
650 PAGE MILL ROAD
PALO ALTO, CA 94304-1050

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MAR 04 2008

In re Application of	:	
Sally W. Ramsey	:	
Application No. 10/982,998	:	DECISION ON PETITION
Filed: November 5, 2004	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 31270-704.501	:	37 CFR 1.102(c)(2)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(2)(i), filed November 5, 2004, to make the above-identified application special based on the invention materially enhancing the quality of the environment as set forth in M.P.E.P. § 708.02, Section V.

The petition is **DISMISSED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(2)(i) and MPEP § 708.02, Section V: Environmental Quality, must state that special status is sought because the invention materially enhances the quality of the environment by contributing to the restoration or maintenance of basic life-sustaining natural elements. If the disclosure is not clear on its face that the claimed invention materially enhances the quality of the environment by contributing to the restoration or maintenance of one of the basic life-sustaining natural elements, the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. No fee is required

Petitioner fails to meet the criteria set out with respect to materially enhancing the quality of the environment by contributing to the restoration or maintenance of basic life-sustaining natural elements as set forth in M.P.E.P. § 708.02, Section (V). The specification and claims as originally filed describes environmentally-friendly methods, compositions, processes, assemblages, articles, and factories. All solids compositions are used for coating at least a portion of the surface of an object. However, the instant petition fails to meet the materiality standard of 37 CFR 1.102(c)(2)(i). Although the invention may be directed to coating compositions, which produce less volatile materials, produce less waste and require less energy to be coated on an object, the materiality standard of the rule has not been met, i.e., petitioner has failed to state how the claimed invention contributes in a significant, substantial, or noticeable manner to the maintenance of basic-sustaining natural elements. That the invention may be energy efficient does not in itself meet the materiality standard. As a result, no contribution to the restoration or maintenance of basic life-sustaining natural elements 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 Irvin Dingle at 571-272-3210.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 1792 for action in its regular turn.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

AFFYMETRIX, INC
ATTN: CHIEF IP COUNSEL, LEGAL DEPT.
3420 CENTRAL EXPRESSWAY
SANTA CLARA CA 95051

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APR 0 4 2006

OFFICE OF PETITIONS

In re Application of	:	
Kyle B. Cole et al	:	
Application No. 10/983,046	:	DECISION GRANTING PETITION
Filed: November 4, 2004	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. 3507.2	:	

This is a decision on the petition under 37 CFR 1.137(b), filed October 24, 2005, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice To File Missing Parts of February 17, 2005, is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This matter is being referred to the Office of Initial Patent Examination.

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

HOWARD J. GREENWALD P.C.
70 LINDEN OAKS, THIRD FLOOR
ROCHESTER, NY 14625

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SEP 25 2008

In re Application of Prelewitz et al. Application No. 10/983,053 Filed: November 5, 2004 Attorney Docket No. DFP - 759	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 December 5, 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

0 5 JUN 2008

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

32292
OGILVY RENAULT (PWC)
1981 McGill College Avenue
Suite 1600
Montreal, QC H3A 2Y3
Canada

In re Application of
ROBERTS *et al*
Application No.: 10/983,085
Filing Date: November 8, 2004
Docket No.: 2993-397US-1RM/JR/as
For: DISCRETE PASSAGE DIFFUSER

DECISION

This is a decision on the petition under 37 CFR 1.78(a)(3) filed March 20, 2008 which is hereby **DISMISSED** as follows:

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). The petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

The petition does not comply with item (1).

Applicants submitted a reference with the petition that the application "is a continuation of International Patent Application No. PCT/CA03/00526 filed April 10, 2003, which is a continuation-in-part of U.S. Application Serial No. 10/140,101 filed on May 8, 2002, issued as United States Patent No. 6,589,015, the contents of both of which are incorporated herein by reference."

However, applicants did not make a proper benefit claim in PCT/CA03/00526 to U.S. Application No. 10/140,101 as required under 35 U.S.C. 120, 365(c) and 37 CFR 1.78(a). The PCT application does not identify the relationship of the PCT application to the prior U.S. application, specifically, that it is a "continuation-in-part" of U.S. Application No. 10/140,101. Since the international application is not entitled to benefit under 35 U.S.C. 120 and 365(c) to U.S. Application No. 10/140,101, the present

application is also not entitled to benefit of the filing date of U.S. Application No. 10/140,101. Therefore, the delayed claim to U.S. Application No. 10/140,101 cannot be accepted.

Any questions concerning this matter may be directed to James Thomson at (571) 272-3302.

Boris Milef
PCT Legal Examiner
Office of PCT Legal Administration

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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OGILVY RENAULT LLP (PWC)
1, PLACE VILLE MARIE
SUITE 2500
MONTREAL QC H3B 1R1 CA CANADA

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JUN 04 2009

OFFICE OF PETITIONS

In re Application of	:	
Roberts et al.	:	
Application No. 10/983,085	:	ON PETITION
Filed: November 8, 2004	:	
Attorney Docket No. 2993-387US-1 JR/mp	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed April 7, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and an Amendment – After Final, (2) the petition fee, and (3) a proper statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the $1,110.00 extension of time fee submitted with the petition was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a request to change the address of record should be filed. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to Technology Center AU 3745 for further processing of the Request for Continued Examination under 37 CFR 1.114 filed concurrently with the instant petition.

Liana Walsh
Petitions Examiner
Office of Petitions

cc: T. JAMES REID
1981 MCGILL COLLEGE AVENUE, SUITE 1600
MONTREAL, QUEBEC H3A 2Y3
CANADA

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: 20070731

DATE : 07/27/2007

TO SPE OF : ART UNIT 3700 (3735)

SUBJECT : Request for Certificate of Correction on Patent No.: 7,241,258

Attn: John P. Lacyk

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and forward within **7** days to: **Scanning customer Support**

Send copy also via PTO mail to:
Certificates of Correction Branch – 2900 South Tower 9A39A
Palm location **7580** - Tel. No. 308-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Ok to enter US References as requested in C of C?

Ernest C. White, LIE - 308-9390x122
Certificates of Correction Branch

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☐ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- X **Denied** — State the reasons for denial below.

Comments: The request for correction is based on an error that is not a PTO mistake. The IDS filed 05 December 2005 was not filed in this application. All of the documents associated with the IDS indicate that the paper is to be filed in US Serial No. 10/983,182, not the present application US Serial No. 10/983,102.

SPE — **Art Unit** 3735

UNITED STATES DEPARTMENT OF COMMERCE
COMMISSIONER FOR PATENTS
P. O. BOX 1450
ALEXANDRIA, VA 22313-1450

Date : 5/28/2008
Patent No. : 7,241,258 B2
Inventor(s) : Miller, III et al.
Issue Date : January 10, 2007
Title : **PASSIVE VIBRATION ISOLATION OF IMPLANTED MICROPHONE**
Doc./File No. : **45568-00490**

Re: Certificate of Correction

Consideration has been given your request for a certificate of correction, for the above-identified patent under the provisions of Rule 1.322 and 1.323.

Respecting the alleged error(s) in item (56) References Cited, the examiner of record has determined that your request has been denied. Enclosed also is a copy of the PTOL-306 Spe response form with detailed explanation.No correction is in order here.

However, further consideration will be given concerning this matter upon receipt of a request for **Reconsideration** (reconsideration should be accompanied by supporting document(s) such as, amendment, postcard receipt, 1449/892, etc.) and should be filed and directed to Decisions & Certificates of Correction Branch, accompanied with the appropriate fee which is presently $100.

Ernest C. White, *LIE* (703) 308-9390 x122
Mary F. Diggs, *Supervisor* (703) 308-9390 x125
Decisions & Certificates of Correction Branch

MARSH, FISCHMANN & BREYFOGLE LLP
3151 SOUTH VAUGHN WAY
SUITE 411
AURORA CO 80014

ecw

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: 20070731

DATE : 07/27/2007

TO SPE OF : ART UNIT 3700 (3735)

SUBJECT : Request for Certificate of Correction on Patent No.: 7,241,258

Attn: John P. Lacyk

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and forward within 7 days to: Scanning customer Support

Send copy also via PTO mail to:
Certificates of Correction Branch – 2900 South Tower 9A39A
Palm location **7580** - Tel. No. 308-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Ok to enter US References as requested in C of C?

Ernest C. White, LIE - 308-9390x122
Certificates of Correction Branch

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☐ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- X **Denied** — State the reasons for denial below.

Comments: The request for correction is based on an error that is not a PTO mistake. The IDS filed 05 December 2005 was not filed in this application. All of the documents associated with the IDS indicate that the paper is to be filed in US Serial No. 10/983,182, not the present application US Serial No. 10/983,102.

SPE

3735
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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NOV 09 2005

NEIL K. NYDEGGER
NYDEGGER & ASSOCIATES
348 Olive Street
San Diego CA 92103

In re Application of	:	
Don Millerd	:	
Serial No.: 10/983,108	:	DECISION ON PETITION
Filed: November 5, 2004	:	
For: Passively Guarded Fillable Injection	:	
Syringe	:	

This is in response to applicants' petition filed January 3, 2005, to make the above-identified application special under the provisions of 37 CFR 1.102(c), based on the merits as it relates HIV/AIDS.

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, X. Therefore the petition is **GRANTED**.

The application will be forwarded to the examiner for action on the merits commensurate with this decision.

Should there be any questions with regard to this letter please contact Frederick Schmidt by letter addressed to the Director, Technology Center 3700, P.O. Box 1450 Alexandria, VA 22313-1450 or by telephone at (571) 272-2975 or by facsimile transmission at (571) 273-8300.

Frederick R. Schmidt

Frederick R. Schmidt, Director
Technology Center 3700

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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VENABLE LLP
RAYMOND J. HO
575 7TH STREET NW
WASHINGTON, DC 20004-1601

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JUL 31 2007
OFFICE OF PETITIONS

In re Application of
Sam Tsai
Application No. 10/983,124
Filed: November 8, 2004
Attorney Docket No. 79579-243090

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b) to revive the above-identified application, filed March 27, 2007.

It is noted that the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in 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 petition is **GRANTED**.

The application became abandoned for failure to pay the issue fee on or before January 3, 2006. A Notice of Abandonment was mailed on February 27, 2006. On March 27, 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 $700 issue fee and the $300 publication fee; (2) the petition fee of $750; and (3) an adequate statement of unintentional delay.

37 CFR 1.137(d) requires that any petition to revive in either a utility or plant application filed before June 8, 1995, be accompanied by a terminal disclaimer and fee as set forth in § **1.321**. Since this application is filed *after* June 8,1995, no terminal disclaimer and fee are required. Accordingly, the terminal disclaimer filed March 27, 2007 is **not** accepted and petitioner is entitled to a refund of the $65 fee paid therefor.

Any request for refund must included a copy of this decision and be mailed to Mail Stop 16, Director of the U.S. Patent and Trademark Office, P. O. Box 1450, Alexandria, VA 22313-1450 or faxed to the Customer Service Help Desk at (571) 273-6500.

The application is being referred to Publishing Division to be processed into a patent.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing at Publishing Division should be directed to (571) 272-4200.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: VENABLE LLP
P.O. BOX 34385
WASHINGTON, DC 20043-9998

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20091209

DATE : December 04, 2009

TO SPE OF : ART UNIT 1656

SUBJECT : Request for Certificate of Correction on Patent No.: 7,494,798

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:

/ANDREW WANG/
Supervisory Patent Examiner.Art Unit 1656

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Thank You For Your Assistance **Certificates of Correction Branch**

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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:

/ANDREW WANG/
Supervisory Patent Examiner.Art Unit 1656

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

BANNER & WITCOFF, LTD.
1100 13th STREET, N.W.
SUITE 1200
WASHINGTON, DC 20005-4051

Mail Date: 04/21/2010

Applicant	: Vladimir V. Petunin	: DECISION ON REQUEST FOR
Patent Number	: 7590963	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/983,132	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/08/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1116** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JJGJR.: 09-04

Paper No: __

DADE BEHRING INC.
LEGAL DEPARTMENT
1717 DEERFIELD ROAD
DEERFIELD IL 60015

COPY MAILED

SEP 1 6 2005

OFFICE OF PETITIONS

In re Application of
Huster. :
Application No. 10/983,137 : ON PETITION
Filed: 5 November, 2004 :
Attorney Docket No. DCS 9070 :

This is a decision on the papers submitted and considered as a petition filed on 29 July, 2005, under 37 C.F.R. §1.47.

For the reasons set forth below, the petition under 37 C.F.R. §1.47 is **DISMISSED**.

NOTES:

(1) Any reply must include a renewed petition (and fee) must include a petition under 37 C.F.R. §1.47 and must be submitted within two (2) months from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Petition under 37 C.F.R. §1.47";

(2) Thereafter, there will be no further reconsideration of this matter.

BACKGROUND

The record indicates:

- the instant application was filed on 5 November, 2004, without, *inter alia*, a fully

executed oath/declaration;

- on 22 February, 2005, the Office mailed a Notice of Missing Parts indicating, *inter alia*, that a fully executed oath/declaration was required within two months;

- on 29 July, 2005, Petitioner Robert N. Carpenter (Reg. No. 40,409) filed, *inter alia*, the instant petition, along with an oath/declaration signed by him in his capacity of Corporate Counsel/Attorney for the averred assignee (for the assignee and on behalf of) but without the signature of named non-signing inventors Michael S. Huster (Mr. Huster), and an averment that the oath or declaration was transmitted to Mr. Huster, but that he had moved from his last known current/valid address (with a copy of the transmittal letter evidencing that the entire application (description, claims, abstract, drawings) was transmitted to the non-signing inventor Mr. Huster along with the oath or declaration, along with evidence of a diligent search of a current/valid address for the non-signing inventor Mr. Huster. However, Petitioner has failed to state that he, as attorney, has been authorized by the averred assignee to sign on its behalf (see: MPEP §409.03(b)).

ANALYSIS

The regulations at 37 C.F.R. §1.47 provide in pertinent part:

> **§ 1.47 Filing when an inventor refuses to sign or cannot be reached.**
> (a) If a joint inventor refuses to join in an application for patent or cannot be found or reached after diligent effort, the application may be made by the other inventor on behalf of himself or herself and the nonsigning inventor. The oath or declaration in such an application must be accompanied by a petition including proof of the pertinent facts, the fee set forth in § 1.17(h), and the last known address of the nonsigning inventor. The nonsigning inventor may subsequently join in the application by filing an oath or declaration complying with §1.63.
> * * *

The regulations at 37 C.F.R. §1.63 provide in pertinent part:

> **§1.63 Oath or declaration.**
>
> (b) In addition to meeting the requirements of paragraph (a)of this section, the oath or declaration must also:
>
> (1)Identify the application to which it is directed;
>
> (2) State that the person making the oath or declaration has

> reviewed and understands the contents of the application, Including the claims, as amended by any amendment specifically referred to in the oath or declaration; and
>
> (3) State that the person making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in § 1.56.

The commentary at MPEP §409.03(b) provides:

> **409.03(b) No Inventor Available**
>
> Filing under 37 C.F.R. 1.47(b) and 35 U.S.C. 118 is permitted only when no inventor is available to make application. These provisions allow a "person" with a demonstrated proprietary interest to make application "on behalf of and as agent for" an inventor who "can-not be found or reached after diligent effort" or who refuses to sign the application oath or declaration. The word "person" has been construed by the U.S. Patent and Trademark Office to include juristic entities, such as a corporation. Where 37 C.F.R. 1.47(a) is available, application cannot be made under 37 C.F.R. 1.47(b).
>
> In addition to other requirements of law (35 U.S.C. 111(a) and 115), an application deposited pursuant to 37 C.F.R. 1.47(b) must meet the following requirements:
>
> (A) The 37 C.F.R. 1.47(b) applicant must make the oath required by 37 C.F.R. 1.63 and 1.64 or 1.175. Where a corporation is the 37 C.F.R. 1.47(b) applicant, an officer (President, Vice-President, Secretary, Treasurer, or Chief Executive Officer) thereof should normally sign the necessary oath or declaration. A corporation may authorize any person, including an attorney or agent registered to practice before the U.S. Patent and Trademark Office, to sign the application oath or declaration on its behalf. Where an oath or declaration is signed by a registered attorney or agent on behalf of a corporation, either proof of the attorney's or agent's authority in the form of a statement signed by an appropriate corporate officer must be submitted, or the attorney or agent may simply state that he or she is authorized to sign on behalf of the corporation. Where the oath or declaration is being signed on behalf of an assignee, see MPEP § 324. An inventor may not authorize another individual to act as his or her agent to sign the application oath or declaration on his or her behalf. *Staeger v. Commissioner*, 189 USPQ 272 (D.D.C. 1976), *In re Striker*, 182 USPQ 507 (Comm'r Pat. 1973). Where an application is executed by one other than the inventor, the declaration required by

37 C.F.R. 1.63 must state the full name, residence, post office address, and citizenship of the nonsigning inventor. Also, the title or position of the person signing must be stated if signing on behalf of a corporation under 37 C.F.R. 1.47(b).

(B) The 37 C.F.R. 1.47(b) applicant must state his or her relationship to the inventor as required by 37 C.F.R. 1.64.

(C) The application must be accompanied by proof that the inventor (1) cannot be found or reached after a diligent effort or (2) refuses to execute the application papers. See MPEP § 409.03(d).

(D) The last known address of the inventor must be stated. See MPEP § 409.03(e).

(E) The 37 C.F.R. 1.47(b) applicant must make out a *prima facie* case (1) that the invention has been assigned to him or her or (2) that the inventor has agreed in writing to assign the invention to him or her or (3) otherwise demonstrate a proprietary interest in the subject matter of the application. See MPEP § 409.03(f).

(F) The 37 C.F.R. 1.47(b) applicant must prove that the filing of the application is necessary (1) to pre-serve the rights of the parties or (2) to prevent irreparable damage. See MPEP § 409.03(g).

Thus, a registered practitioner signing on behalf of the assignee, must state affirmatively that the practitioner is authorized to so sign. (MPEP §409.03(b)).

When one alleges a refusal of the inventor to sign the application papers, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who, *inter alia*, presented the inventor with the application papers and/or to whom the refusal was made.

The commentary at MPEP §409.03(d) provides:

409.03(d) Proof of Unavailability or Refusal

INVENTOR CANNOT BE REACHED

Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 C.F.R. §1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent

effort was made.

The fact that a nonsigning inventor is on vacation or out of town and is therefore temporarily unavailable to sign the declaration is not an acceptable reason for filing under 37 C.F.R. §1.47.

Furthermore, the fact that an inventor is hospitalized and/or is not conscious is not an acceptable reason for filing under 37 C.F.R. §1.47. 37 C.F.R. §1.43 may be available under these circumstances. See MPEP §409.02. Such a petition under 37 C.F.R. §1.47 will be dismissed as inappropriate.

The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included statement of facts. It is important that the statement contain facts as opposed to conclusions.

REFUSAL TO JOIN

A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. The fact that an application may contain proprietary information does not relieve the 37 C.F.R. §1.47 applicant of the responsibility to present the application papers to the inventor if the inventor is willing to receive the papers in order to sign the oath or declaration. It is noted that the inventor may obtain a complete copy of the application, unless the inventor has assigned his or her interest in the application, and the assignee has requested that the inventor not be permitted access. See MPEP §106. It is reasonable to require that the inventor be presented with the application papers before a petition under 37 C.F.R. §1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).

Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must

> be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient.
>
> When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.
>
> When it is concluded by the 37 C.F.R. §1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

Thus, not only must a copy of the entire application must be sent to the last known address of the non-signing inventor (or the estate representative) with a request that he/she sign the declaration for the patent application–and evidence of that transmittal submitted–but also a reasonable effort must be made to ascertain a current or last known address, and the petition (with fee) must state over the signature and registration number of the Petitioner the last known address and, if appropriate, evidence of the due diligence effort ascertaining same.

Alternatively, an oath or declaration for the patent application in compliance with 37 C.F.R. §§1.63 and 1.64 must be presented.

(The declaration must set forth the inventor's residence, citizenship and post office address. An oath or declaration in compliance with 37 C.F.R. §§1.63 and 1.64 signed by the Rule 1.47 applicant is required.[1])

---

[1] See: MPEP 409.03(b).

CONCLUSION

The record as it stands shows a failure to comply with the affirmative statement requirement of MPEP §409.03(b). Evidence of this requirement should be submitted with any renewed petition.

Therefore, the instant petition hereby is **dismissed**.

Further correspondence with respect to this matter should be addressed as follows:[2]

By mail: Commissioner for Patents[3]
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: IFW Formal Filings
(571) 273-8300
ATTN.: Office of Petitions

By hand: Mail Stop: Petition
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3214.

John J. Gillon, Jr.
Senior Attorney
Office of Petitions

---

[2] On July 15, 2005, the Central Facsimile (FAX) Number will change from (703) 872-9306 to (571) 273-8300. Faxes sent to the old number will be routed to the new number until September 15, 2005. After September 15, 2005, the old number will no longer be in service and (571) 273-8300 will be the only facsimile number recognized for centralized delivery. (For further information. see: http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/cfax062005.pdf .)

[3] To determine the appropriate addresses for other subject-specific correspondence, refer to the USPTO Web site at www.uspto.gov.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JJGJR.: 02-06

Paper No: __

DADE BEHRING INC.
LEGAL DEPARTMENT
1717 DEERFIELD ROAD
DEERFIELD IL 60015

COPY MAILED
FEB 27 2006
OFFICE OF PETITIONS

In re Application of
Huster. :
Application No. 10/983,137 : ON PETITION
Filed: 5 November, 2004 :
Attorney Docket No. DCS 9070 :

This is a decision on the papers submitted and considered as a petition filed on 16 November, 2005, under 37 C.F.R. §1.47(b).

For the reasons set forth below, the petition under 37 C.F.R. §1.47 is **GRANTED**.

BACKGROUND

The record indicates:

- the instant application was filed on 5 November, 2004, without, *inter alia*, a fully executed oath/declaration;
- on 22 February, 2005, the Office mailed a Notice of Missing Parts indicating, *inter alia*, that a fully executed oath/declaration was required within two months;
- on 29 July, 2005, Petitioner Robert N. Carpenter (Reg. No. 40,409) filed, *inter alia*, the original petition, along with an oath/declaration signed by him in his capacity of Corporate Counsel/Attorney for the averred assignee (for the assignee and on behalf of) but without the signature of named non-signing inventor Michael S. Huster (Mr. Huster), and an averment that the oath or declaration was transmitted to Mr. Huster, but that he had moved from his last known current/valid address (with a copy of the transmittal letter

evidencing that the entire application (description, claims, abstract, drawings) was transmitted to the non-signing inventor Mr. Huster along with the oath or declaration, along with evidence of a diligent search of a current/valid address for the non-signing inventor Mr. Huster. However, Petitioner failed to state that he, as attorney, has been authorized by the averred assignee to sign on its behalf (see: MPEP §409.03(b));

- with the instant petition, Petition seeks to and does cure the foregoing deficiencies and further evidences that the non-signing inventor nonetheless has failed to execute and submit the oath/declaration.

Lastly, Petitioner has submitted a declaration in compliance with 37 C.F.R. §1.63 and §1.64.

This application and papers have been reviewed and found in compliance with 37 C.F.R. §1.47(b).

This application hereby is **ACCORDED status under 37 C.F.R. §1.47(b)**.

As provided under 37 C.F.R. §1.47(b), the Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition.

Notice of the filing of this application also will be published in the Official Gazette.

This file is being released to OIPE for processing as necessary to reflect the instant decision before being released for examination in due course.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3214.

John J. Gillon, Jr.
Senior Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

COOLEY GODWARD LLP
ATTN: PATENT GROUP
11951 FREEDOM DRIVE, SUITE 1700
ONE FREEDOM SQUARE- RESTON TOWN CENTER
RESTON VA 20190-5061

COPY MAILED

NOV 29 2005

OFFICE OF PETITIONS

In re Application of	:	
Miguel Angel FERNANDEZ et al.	:	
Application No. 10/983,143	:	DECISION ON PETITIONS
Filed: November 5, 2004	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. FICO-003/00US	:	AND 37 CFR 1.55(c)

This is a decision on the petitions under 37 CFR 1.78(a)(3) and 37 CFR 1.55(c), filed September 21, 2005, to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 365(c) for the benefit of prior-filed PCT applications, and under 35 U.S.C. § 119(a)-(d) for the benefit of a prior-filed foreign application, as set forth in the concurrently filed amendment and declaration, respectively.

As to the benefit claim under 37 CFR 1.78(a)(3):

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000 and after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

All requirements being met, the petition to accept an unintentionally delayed claim for priority under 37 CFR 1.78(a)(3) is **GRANTED.**

As to the benefit claim under 37 CFR 1.55(c):

A petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim for priority requires:

(1) The nonprovisional application claiming the benefit of an earlier filing date must be filed on or after November 29, 2000;
(2) the claim submitted with the petition must identify the prior foreign application for which priority is claimed, as well as any foreign application for the same subject matter and having a filing date before that of the application for which priority is claimed, by the application number, country, and the filing date, **and be included either in an oath or declaration (37 CFR 1.63(c)(2)) or in an Application Data Sheet (37 CFR 1.76(b)(6);**
(3) the surcharge as set forth in 37 CFR 1.17(t);
(4) a statement that the entire delay between the date the claim was due under 37 CFR 1.55(a)(1) and the date the claim was filed was unintentional. (The Commissioner may require additional information where there is a question whether the delay was unintentional.); and
(5) the above-identified nonprovisional application must be filed within 12 months of the filing date of the foreign application.

All requirements being met, the petition 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) and 37 CFR 1.55(c) should not be construed as meaning that this application is entitled to the benefit of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. §§ 120 and 365(c) and 37 CFR 1.78(a)(1) and (a)(2) and 35 § U.S.C. 119(a)-(d) and 37 CFR 1.55(a)(1) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether this application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed applications, and the foreign priority claim, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to David Bucci at (571) 272-7099. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

Application No. 10/983,143

This application is being to Technology Center Art Unit 3612 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. §§ 120, 365(c) and 35 U.S.C. § 119(a)-(d) of the prior-filed applications.

Brian Hearn
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

COOLEY GODWARD KRONISH LLP
ATTN: PATENT GROUP
THE BOWEN BUILDING
875 15TH STREET, N.W. SUITE 800
WASHINGTON DC 20005-2221

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OFFICE OF PETITIONS

In re Application of	:	
Miguel Mota LOPEZ et al.	:	DECISION ON PETITIONS
Application No. 10/983,144	:	UNDER 37 CFR 1.78(a)(3)
Filed: November 5, 2004	:	AND 37 CFR 1.55(c)
Attorney Docket No. FICO-004/00US	:	

This is a decision on the petitions under 37 CFR 1.78(a)(3) and 37 CFR 1.55(c), filed September 21, 2005, to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 365(c) for the benefit of prior-filed PCT applications, and under 35 U.S.C. § 119(a)-(d) for the benefit of a prior-filed foreign application, as set forth in the concurrently filed amendment.

As to the benefit claim under 37 CFR 1.78(a)(3):

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000 and after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

All requirements being met, the petition to accept an unintentionally delayed claim for priority under 37 CFR 1.78(a)(3) is **GRANTED.**

As to the benefit claim under 37 CFR 1.55(c):

A petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim for priority requires:

(1) The nonprovisional application claiming the benefit of an earlier filing date must be filed on or after November 29, 2000;
(2) the claim submitted with the petition must identify the prior foreign application for which priority is claimed, as well as any foreign application for the same subject matter and having a filing date before that of the application for which priority is claimed, by the application number, country, and the filing date, **and be included either in an oath or declaration (37 CFR 1.63(c)(2)) or in an Application Data Sheet (37 CFR 1.76(b)(6);**
(3) the surcharge as set forth in 37 CFR 1.17(t);
(4) a statement that the entire delay between the date the claim was due under 37 CFR 1.55(a)(1) and the date the claim was filed was unintentional. (The Commissioner may require additional information where there is a question whether the delay was unintentional.); and
(5) the above-identified nonprovisional application must be filed within 12 months of the filing date of the foreign application.

All requirements being met, the petition 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) and 37 CFR 1.55(c) should not be construed as meaning that this application is entitled to the benefit of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. §§ 120 and 365(c) and 37 CFR 1.78(a)(1) and (a)(2) and 35 § U.S.C. 119(a)-(d) and 37 CFR 1.55(a)(1) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether this application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed applications, and the foreign priority claim, accompanies this decision on petition.

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.

Any inquiries concerning this decision may be directed to David Bucci at (571) 272-7099. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being to Technology Center Art Unit 3752 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. §§ 120, 365(c) and 35 U.S.C. § 119(a)-(d) of the prior-filed applications.

David Bucci
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

CC: COOLEY GODWARD LLP
ATTN: PATENT GROUP
11951 FREEDOM DRIVE, SUITE 1700
ONE FREEDOM SQUARE- RESTON TOWN CENTER
RESTON VA 20190-5061

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	DRAWINGS	TOT CLMS	IND CLMS
10/983,144	11/05/2004	3752	1204	FICO-004/00US	7	26	5

CONFIRMATION NO. 9473

CORRECTED FILING RECEIPT

OC000000021070759

22903
COOLEY GODWARD KRONISH LLP
ATTN: PATENT GROUP
THE BOWEN BUILDING
875 15TH STREET, N.W. SUITE 800
WASHINGTON, DC 20005-2221

Date Mailed: 11/01/2006

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)

Miguel Mota Lopez, Rubi, SPAIN;
Juan Jesus Elvira Peralta, Rubi, SPAIN;

Power of Attorney: The patent practitioners associated with Customer Number **022903**.

Domestic Priority data as claimed by applicant

This application is a CON of PCT/EP03/04838 05/08/2003

Foreign Applications

GERMANY 10220579.5 05/08/2002

If Required, Foreign Filing License Granted: 12/11/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/983,144

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Cleaning system for headlamps of motor vehicles

Preliminary Class

239

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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IP LEGAL DEPARTMENT
TYCO FIRE & SECURITY SERVICES
ONE TOWN CENTER ROAD
BOCA RATON, FL 33486

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DEC 0 2 2008

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Wing K. Ho :
Application No. 10/983,152 :
Filed: November 5, 2004 :
Attorney Docket No. F-TP-00002 :

This is a decision on the petition under 37 CFR 1.137(b), filed October 3, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed September 14, 2007, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on December 15, 2007.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the $1110 extension of time submitted with the petition on October 3, 2008 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credit to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 3673 for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DRINKER BIDDLE & REATH
ATTN: INTELLECTUAL PROPERTY GROUP
ONE LOGAN SQUARE
18TH AND CHERRY STREETS
PHILADELPHIA PA 19103-6996

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JUN 23 2006
OFFICE OF PETITIONS

In re Application of	:	
Jeffrey J. Begola	:	
Application No. 10/983,203	:	ON PETITION
Filed: November 5, 2004	:	
Attorney Docket No. 51160.000001	:	

This is a decision on the petition, filed June 15, 2006, under 37 CFR 1.313(a) to withdraw the above-identified application from issue.

The petition is **DISMISSED**.

37 CFR 1.313(a) states in part:

> "Applications may be withdrawn from issue for further action at the initiative of the Office or upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in 1.17(h) and a showing of good and sufficient reason why withdrawal of the application from issue is necessary.

As such, a grantable petition requesting withdrawal of an application from issue must be accompanied by: (1) a showing of good and sufficient reasons why withdrawal of the application from issue is necessary; and (2) the requisite petition fee under 37 CFR 1.17(h). The petition includes the requisite petition fee and authorization for the fee submission of an information disclosure statement under 37 CFR 1.17(p).

However, the petition does not set forth good and sufficient reasons as to why withdrawal of the application from issue is necessary. The mere submission of an information disclosure statement (IDS) with the petition does not make withdrawal of the application from issue necessary. There were other avenues open to applicant to have the IDS considered other than by way of a petition.

Following the part of 37 CFR 1.313(a) cited above, 37 CFR 1.313(a) goes on to state:

> "A petition under this section is not required if a request for continued examination under 1.114 is filed prior to payment of the issue fee."

The filing of an RCE under 37 CFR 1.114 with a submission and the fee set forth in 37 CFR 1.17(e) would have been a proper available option to have the IDS considered. It is well documented that an IDS satisfies the submission requirement under 37 CFR 1.114. For example, see MPEP 706.07(h)(II).

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3208.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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MAR 16 2006
OFFICE OF PETITIONS

Paper No. None

Clifford Kraft
320 Robin Hill Dr.
Naperville IL 60540

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MAR 16 2006
OFFICE OF PETITIONS

In re Application of	:	
John F. Lichtig	:	
Application No. 10/983,210	:	DECISION ON PETITION
Filed: November 5, 2004	:	UNDER 37 C.F.R. §1.137(f)
Title: METHOD AND SYSTEM FOR	:	
REMOTE MONITORING AT A NOZZLE	:	

This is a decision on the petition filed on January 3, 2006, 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 an international application on November 4, 2005. However, the United States

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.

Patent and Trademark Office was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an international application.

A Notice of Rescission of Nonpublication Request was filed with the present petition.

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 an application under a multilateral international agreement that requires publication of applications 18 months after filing.

The petition under 37 C.F.R. §1.137(f) is **GRANTED**.

37 C.F.R. §1.137(f) requires 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. Since the statement contained in the instant petition varies from the language required by 37 C.F.R. §1.137(f), the statement contained in the instant petition is being construed as the statement required by 37 C.F.R. §1.137(f) and petitioner must notify the Office if this is not a correct interpretation of the statement contained in the instant petition.

Petitioner has submitted the notification of an international filing, paid the petition fee, and has made a statement which is being construed as the proper statement of unintentional delay.

The present 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 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. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date of June 22, 2006 accompanies this decision on petition.

Technology Center 3700 will be notified of this decision.

The general phone number for the Office of Petitions which should be used for status requests is (571) 272-3282. Telephone

inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.

Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

Encl. Communication Regarding Rescission of Nonpublication Request and/or Notice of Foreign Filing

UNITED STATES PATENT AND TRADEMARK OFFICE

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William S. Frommer, Esq.
FROMMER LAWRENCE & HAUG LLP
745 Fifth Avenue
New York, NY 10151

Mail Date: 04/23/2010

Applicant	: Yoshio Miyazaki	: DECISION ON REQUEST FOR
Patent Number	: 7620372	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/983,212	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/05/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **633** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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United States Patent and Trademark Office
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William S. Frommer, Esq.
FROMMER LAWRENCE & HAUG LLP
745 Fifth Avenue
New York, NY 10151

Mail Date: 05/18/2010

Applicant : Yoshio Miyazaki
Patent Number : 7620372
Issue Date : 11/17/2009
Application No : 10/983,212
Filed : 11/05/2004

: 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 **647** 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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P.O. BOX 2550
SALT LAKE CITY, UT 84110

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AUG 29 2007

OFFICE OF PETITIONS

In re Application of	:	
RABBITT, Richard D. et al.	:	
Application No. 10/983,219	:	DECISION ON PETITION
Filed: November 05,2004	:	TO WITHDRAW
Attorney Docket No. **0274-6654.1US**	:	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 30, 2007.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to Trask Britt has been revoked by the assignee of the patent application on August 13, 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.

T. Williams
Terri Williams
Petitions Examiner
Office of Petitions

cc: **THORPE NORTH & WESTERN, LLP.**
8180 SOUTH 700 EAST, SUITE 350
SANDY, UT 84070

UNITED STATES PATENT AND TRADEMARK OFFICE

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Genesis/Genius Law Group
1270 High Bluff Drive, Suite 300
San Diego, CA 92130

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MAR 29 2005

OFFICE OF PETITIONS

In re Application of	:	
Han et al.	:	
Application No. 10/983,234	:	DECISION ON PETITION
Filed: November 8, 2004	:	
Attorney Docket No. 0002.0007	:	

This is a decision on the petition filed March 8, 2005, requesting that the above-identified application be accorded a filing date of November 8, 2004, with Figure 5N as part of the original disclosure.

On November 8, 2004, applicants filed the above-identified application. On January 26, 2005, the Office of Initial Patent Examination mailed a "Notice of Omitted Item(s) in a Nonprovisional Application" (Notice), stating that the application had been accorded a filing date of November 8, 2004, and advising applicants that Figure 5N appeared to have been omitted.

In response, on March 8, 2005, applicants filed the present petition, a copy of Figure 5N, and an authorization to charge the petition fee. Applicants requested that the application, including Figure 5N, be accorded a filing date of November 8, 2004. Applicants stated that applicants' attorneys have a system of checking application to ensure that all required papers are enclosed in an envelope when filing a patent application. Applicants further stated that their attorneys' file for the above-identified application contained 23 sheets of drawings, including Figure 5N. Additionally, applicants asserted that the Nonprovisional Patent Application Transmittal, which was submitted on filing, indicated that the referenced application was being filed with 23 sheets of drawings.

Upon review of the record, Figure 5N has not been located in the official file. Additionally, the listing of papers on an application transmittal letter is not sufficient evidence that a paper so listed was actually filed in the Office. Applicants alleging that a paper was filed in the Office and later misplaced

have the burden of proving the allegation by a preponderance of the evidence. The Office file is the official record of what was filed on November 8, 2004. It is for this reason that the Office has established a practice of providing a receipt for papers filed in the Office to any applicant desiring a receipt. The practice, which was established long ago and is well publicized, 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 that are being filed, serves as prima facie evidence of receipt in the Office of all the items listed thereon on the date stamped by the Office. See MPEP 503. Unfortunately, no postcard receipt has been presented in this case. Therefore, applicants have not met their burden of proof by a preponderance of the evidence.

Accordingly, the petition is dismissed. Figure 5N will not be entered at this time.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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www.uspto.gov

Genesis/Genius Law Group
12760 High Bluff Drive, Suite 300
San Diego, CA 92130

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APR 06 2005

OFFICE OF PETITIONS

In re Application of	:	
Han et al.	:	
Application No. 10/983,234	:	DECISION ON PETITION
Filed: November 8, 2004	:	
Attorney Docket No. 0002.0007	:	

This is a decision on the petition filed March 8, 2005, requesting that the above-identified application be accorded a filing date of November 8, 2004, with Figure 5N as part of the original disclosure.

On November 8, 2004, applicants filed the above-identified application. On January 26, 2005, the Office of Initial Patent Examination mailed a "Notice of Omitted Item(s) in a Nonprovisional Application" (Notice), stating that the application had been accorded a filing date of November 8, 2004, and advising applicants that Figure 5N appeared to have been omitted.

In response, on March 8, 2005, applicants filed the present petition, a copy of Figure 5N, and an authorization to charge the petition fee. Applicants requested that the application, including Figure 5N, be accorded a filing date of November 8, 2004. Applicants stated that applicants' attorneys have a system of checking application to ensure that all required papers are enclosed in an envelope when filing a patent application. Applicants further stated that their attorneys' file for the above-identified application contained 23 sheets of drawings, including Figure 5N. Additionally, applicants asserted that the Nonprovisional Patent Application Transmittal, which was submitted on filing, indicated that the referenced application was being filed with 23 sheets of drawings.

Upon review of the record, Figure 5N has not been located in the official file. Additionally, the listing of papers on an application transmittal letter is not sufficient evidence that a paper so listed was actually filed in the Office. Applicants alleging that a paper was filed in the Office and later misplaced

have the burden of proving the allegation by a preponderance of the evidence. The Office file is the official record of what was filed on November 8, 2004. It is for this reason that the Office has established a practice of providing a receipt for papers filed in the Office to any applicant desiring a receipt. The practice, which was established long ago and is well publicized, 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 that are being filed, serves as prima facie evidence of receipt in the Office of all the items listed thereon on the date stamped by the Office. See MPEP 503. Unfortunately, no postcard receipt has been presented in this case. Therefore, applicants have not met their burden of proof by a preponderance of the evidence.

Accordingly, the petition is dismissed. Figure 5N will not be entered at this time.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
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GENESIS/GENUS LAW GROUP
12760 HIGH BLUFF DRIVE, SUITE 300
SAN DIEGO CA 92130

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MAY 19 2005
OFFICE OF PETITIONS

In re Application of	:	
Han et al.	:	DECISION ON PETITION
Application No. 10/983,234	:	
Filed: November 8, 2004	:	
Attorney Docket No. 0002.0007	:	

This is a decision on the renewed petition filed April 25, 2005, requesting that the above-identified application be accorded a filing date of November 8, 2004, with Figure 5N as part of its original disclosure.

On November 8, 2004, applicants deposited the above-identified application. On January 26, 2005, the Office of Initial Patent Examination mailed a Notice of Omitted Item(s) in a Nonprovisional Application, stating that the application had been accorded a filing date of November 8, 2004, and advising applicants that Figure 5N appeared to have been omitted.

On March 8, 2005, applicants filed the original petition, which was dismissed by the decision of April 6, 2005. In response, on April 25, 2005, applicants filed, *inter alia*, the present renewed petition, a copy of Figure 5N, and a copy of applicants' postcard receipt acknowledging receipt of "23 Drawings" on November 8, 2004.[1]

Upon review of the record, Figure 5N, deposited on November 8, 2004, has not been located among the application papers. However, the evidence is convincing that the application papers deposited on November 8, 2004, included Figure 5N, which was subsequently

[1] Applicants are advised to itemize future postcard receipts with greater specificity. Fortunately for applicants, the application contains 23 sheets of drawings, as well as 23 Drawing Figures. However, it could be unclear in future applications whether applicants are itemizing the number of pages or figures.

misplaced in the United States Patent and Trademark Office. Therefore, the application, including Figure 5N, was complete on filing and will be granted a filing date of November 8, 2004.

Accordingly, the renewed petition is granted.

The requirement for Figure 5N set forth in the Notice of Omitted Item(s) was sent in error and is hereby vacated. Accordingly, no petition fee is necessary. The petition fees totaling $800.00[2] paid on March 8, 2005, and April 25, 2005, will be credited to Deposit Account No. 50-3181.

The Office of Initial Patent Examination is instructed **to accord the application a filing date of November 8, 2004**, using the 22 drawing sheets submitted on that date, and the one drawing sheet of Figure 5N submitted on April 25, 2005.

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

[2] Effective December 8, 2004, the petition fee was increased to $400.00.

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COOLEY GODWARD KRONISH LLP
ATTN: PATENT GROUP
THE BOWEN BUILDING
875 15TH STREET, N.W. SUITE 800
WASHINGTON DC 20005-2221

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OCT 13 2006

OFFICE OF PETITIONS

In re Application of	:	
HORWITZ, et al.	:	
Application No. 10/983,238	:	DECISION ON PETITION
Filed: November 8, 2004	:	TO WITHDRAW
Attorney Docket No. SAMS-003/02US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 29, 2006.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to Christopher R. Hutter and all attorneys associated with customer number 22903 have been revoked by the assignee of the patent application on August 31, 2006. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Monica A. Graves at 571-272-7253.

David Bucei
Petitions Examiner
Office of Petitions

cc: **HAYNES AND BOONE, LLP**
901 MAIN STREET, SUITE 3100
DALLAS, TX 75202

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FISH & RICHARDSON P.C.
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

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MAY 14 2008

OFFICE OF PETITIONS

In re Patent No. 7,196,613	:	
Application No. 10/983,238	:	
Filed: November 8, 2004	:	ON PETITION
Issued: March 27, 2007	:	
Attorney Docket No. 22465-015003	:	

This is a decision on the petition, filed November 7, 2007, 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 request for a certificate of correction (and fee) as required by 3.81(b). *See also* MPEP 1481.01. As petitioner has failed to comply with the provisions of 37 CFR 3.81(b), the request cannot be granted at this time.

A review of Office database assignment records reflects that an assignment to Sirit Technologies, Inc. has been recorded. Therefore, upon submission of the required certificate of correction and fee, it would be appropriate for the Office to issue a certificate of correction to correct the front page of the Letters Patent to reflect the correct address of the assignee of record at the time of issuance of the application into a patent. *Note also* 35 U.S.C. § 152.

In view of the above, **the Certificates of Correction Branch is instructed to issue a certificate of correction upon submission by petitioner of a request for a certificate of correction (and fee) which sets forth the assignee's proper address.** *No certificate of correction will be issued which sets forth an assignee other than the assignee set forth in this request. A copy of this decision* ***must*** *accompany the request for a Certificate of Correction.*

---

[1] *See* MPEP 1309, subsection II and Official Gazette of June 22, 2004

No further renewed request under 37 CFR 3.81(b) is necessary for consideration by the Office of Petitions for issuance of a certificate of correction with the assignee's proper address set forth in this request, since this decision operates as an instruction to the Certificates of Correction Branch to issue the requested certificate of correction.

Inquiries concerning this decision should be directed to the undersigned at (571) 272-3206. Any questions concerning issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (571) 272-4200.

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

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JUL 1 8 2008

OFFICE OF PETITIONS

In re Patent No. 7,196,613	:	
Application No. 10/983,238	:	
Filed: November 8, 2004	:	ON PETITION
Issued: March 27, 2007	:	
Attorney Docket No. 22465-015003	:	

CORRECTED DECISION

This is a decision on the petition filed April 22, 2008, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the address of the assignee 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 the undersigned 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
Petitions Examiner
Office of Petitions

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

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EDWARDS ANGELL PALMER & DODGE LLP
P.O. BOX 55874
BOSTON MA 02205

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OFFICE OF PETITIONS

In re Application of:	:	
Lachowicz et al.		:
Pat. Num.: 7235616	:	
Issue Date: 06/26/2007	:	
Application No. 10/983247	:	ON PETITION
Filing or 371(c) Date: 11/08/2004	:	
Atty. Docket No. 80649(47762)	:	

This is a decision on the Petition for Issuance of a Duplicate Letters Patent Under 37 C.F.R. 1.182 Due to Loss or Destruction, filed August 26, 2008.

The petition is **GRANTED**.

The Office of Data Management is directed to issue a duplicate Letters Patent.

Questions concerning this decision may be directed to the undersigned at 571-232-3232. Inquiries regarding the issuance of a duplicate Letters Patent may be directed to Niomi Farmer, in the Office of Data Management at (703) 308-9250, Ext. 119.

A copy of this decision is being faxed to the Office of Data Management for issuance of a duplicate Letters Patent.

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

CC: Niomi Farmer
South Tower 8th floor, Room C-32 (FAX 571-270-9937)

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MARGARET B. KELLEY
1321 E. BROAD STREET
WESTFIELD, NJ 07090

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OFFICE OF PETITIONS

ON PETITION

In re Application of :
Joseph M. Kelley :
Application No. 10/983,253 :
Filed: November 4, 2004 :
Attorney Docket No. JMK1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 25, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of January 28, 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). One (1) 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 May 29, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of 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). Accordingly, since the $465 extension of time submitted with the petition on September 25, 2008 was subsequent to the maximum extendable period for reply, petitioner may request a refund of this fee by writing to Mail Stop 16, Refund Requests. A copy of this decision should accompany petitioner's request.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3210.

This application is being referred to Technology Center AU 3711 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

Irvin Dingle
Petition Examiner
Office of Petitions

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OSTROLENK FABER GERB & SOFFEN
1180 AVENUE OF THE AMERICAS
NEW YORK, NY 100368403

Mail Date: 04/26/2010

Applicant	: Horst Doppling	: DECISION ON REQUEST FOR
Patent Number	: 7600614	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 10/983,274	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/05/2004	: 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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Thomas M. Freiburger
P.O. Box 1026
Tiburon, CA 94920

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APR 13 2009

OFFICE OF PETITIONS

In re Application of	:	
David Chester, et al.	:	
Application No. 10/983,275	:	DECISION ON PETITION
Filed: November 8, 2004	:	TO WITHDRAW
Attorney Docket No. 5788-105US	:	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 6, 2009.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to Thomas M. Freiburger has been revoked by the applicant of the patent application on March 10, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Terri Williams at 571-272-2991.

Terri Williams
Petitions Examiner
Office of Petitions

cc: **FOX ROTHSCHILD LLP**
Princeton Pike Corporate Center
2000 Market Street
Tenth Floor
Philadelphia, PA 191037

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OSHA LIANG LLP/Oracle
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON, TX 77010

Mail Date: 04/20/2010

Applicant	: Mikhail Romanov	: DECISION ON REQUEST FOR
Patent Number	: 7653721	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/983,324	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/29/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1488** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD, MA 01742-9133

Mail Date: 04/21/2010

Applicant	: Richard C. Pelletier	: DECISION ON REQUEST FOR
Patent Number	: 7665576	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/983,332	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/05/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **986** 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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ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.
1300 19TH STREET, N.W.
SUITE 600
WASHINGTON,, DC 20036

Mail Date: 04/21/2010

Applicant	: Jeong-Hoon Han	: DECISION ON REQUEST FOR
Patent Number	: 7596122	: RECALCULATION of PATENT
Issue Date	: 09/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/983,339	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/08/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **778** 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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ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.
1300 19TH STREET, N.W.
SUITE 600
WASHINGTON,, DC 20036

Mail Date: 05/18/2010

Applicant : Jeong-Hoon Han
Patent Number : 7596122
Issue Date : 09/29/2009
Application No : 10/983,339
Filed : 11/08/2004

: 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 **841** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of patent term adjustment (PTA) days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days** from the mail date of this notice, whichever is longer, to file a request for reconsideration of this PTA calculation. See 35 U.S.C. § 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4).

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this PTA calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2), and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this PTA calculation, including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right of review of the USPTO's PTA determination in the United States District Court for the District of Columbia, patentee must ensure that the steps required under 35 U.S.C. § 154 (b)(4) are taken in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. § 154(b)(4).

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 04-18-09

TO SPE OF : ART UNIT 1654

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/983340 Patent No.: 7498298

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

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.

- [x] **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** 1654

I hereby certify that this correspondence is being filed via EFS-Web with the United States Patent and Trademark Office on April 6, 2009.

TOWNSEND and TOWNSEND and CREW LLP

By: Linda Lim
Linda Lim

PATENT
Docket No.: 018891-001020US
Client Ref. No.: (MMAF) 1000-00314US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	Confirmation No.: 1570
Svetlana O. DORONINA et al.	Examiner: Kosar, Andrew D.
Patent No.: 7,498,298 B2	Art Unit: 1654
Issued: March 3, 2009	
Application No.: 10/983,340	
Filed: November 5, 2004	REQUEST FOR CERTIFICATE OF CORRECTION UNDER 37 C.F.R. §1.322
For: MONOMETHYLVALINE COMPOUNDS CAPABLE OF CONJUGATION TO LIGANDS	
Customer No.: 51535	

ATTN: Certificate of Correction Branch
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Commissioner:

Pursuant to 37 C.F.R. §1.322, Applicants submit a Request for Certificate of Correction correcting typographical errors made at the time of printing of the above-referenced patent. The desired corrections are set forth on the enclosed form PTO/SB/44. The correct claim language was submitted in an amendment after Notice of Allowance filed on October 3, 2008.

It is believed that no fee is required for this Request for Certificate of Correction as the errors are the result of typographical mistakes made by the U.S. Patent

and Trademark Office. However, if a fee is required, the Commissioner is authorized to charge said fee to the undersigned's Deposit Account No. 20-1430.

Respectfully submitted,

Mark H. Hopkins, Ph.D.
Reg. No. 44,775

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: (925) 472-5000
Fax: (415) 576-0300
M3H:lml

61835265 v1

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 7,498,298 B2

APPLICATION NO.: 10/983,340

ISSUE DATE : March 3, 2009

INVENTOR(S) : Doronina et al.

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

In the Claims:

Claim 1, Column 335, Line 32, after $-(CR^aR^b)$, please insert -- $_n$- --

Claim 1, Column 336, Lines 24-25, delete "-S-, -NH-, or $-NR^{12}-$, wherein R^{12} is C_1-C_8 alkyl", and insert -- -O- --

Claim 1, Column 336, Line 26, delete "C_1-C_{20} alkyl"

Claim 5, Column 337, Lines 53-56, delete "the wavy line indicates H or a covalent linkage to a Linker Unit or a Ligand unit selected from the group consisting of a protein, a polypeptide and a peptide, and"

Claim 5, Column 338, Line 53, after wherein R, delete "$_a$", and insert -- ^{a} --

Claim 5, Column 338, Line 53, after and R, delete "$_b$", and insert -- ^{b} --

Claim 5, Column 338, Line 65, in the next line after heterocycle;, insert

-- Z is -S-, -NH-, or -NR^{12}-, wherein R^{12} is C_1-C_8 alkyl;

R^{11} is selected from -H, C_1-C_{20} alkyl, aryl, -C_3-C_8 heterocycle, -$(R^{13}O)_m$-R^{14}, and -$(R^{13}O)_m$-$CH(R^{15})_2$;

m is an integer ranging from 1 to 1000;

R^{13} is -C_2-C_8 alkyl;

R^{14} is -H or -C_1-C_8 alkyl;

each occurrence of R^{15} is independently -H, -COOH, -$(CH_2)_n$-$N(R^{16})_2$, -$(CH_2)_n$-SO_3H, or -$(CH_2)_n$-SO_3-C_1-C_8 alkyl;

each occurrence of R^{16} is independently -H, -C_1-C_8 alkyl, or -$(CH_2)_n$-COOH; and

n is an integer ranging from 0 to 6; --

Claim 8, Column 339, delete "1", and insert -- 5 --

Claim 11, Column 341, Line 42, after $(R^{13}O)$, delete "$_2$", and insert -- $_m$ --

Claim 13, Column 341, Line 60, delete "H", and insert -- -H --

Claim 14, Column 343, insert -- Ib -- below the compound figure

Claim 16, Column 344, insert -- Ib -- below the compound figure

Claim 17, Column 345, insert -- Ib -- below the compound figure

Claim 18, Column 346, insert -- Ib -- below the compound figure

Claim 18, Column 347, Line 6, after --(CR, delete "^{a}", and insert -- $_a$ --

Claim 19, Column 347, insert -- Ib -- below the compound figure

Claim 21, Column 350, Line 2, after and, insert -- 4 --

MAILING ADDRESS OF SENDER (Please do not use customer number below):

TOWNSEND AND TOWNSEND AND CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, CA 94111-3834

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
Two Embarcadero Place
8th Floor
San Francisco, CA 94111

COPY MAILED
MAR 11 2010

In re Patent No. 7,498,298	:
Doronina et al.	: DECISION UPON REMAND AND
Issue Date: March 3, 2009	: RECONSIDERATION OF
Application No. 10/983,340	: PATENT TERM ADJUSTMENT
Filed: November 5, 2004	: AND NOTICE OF INTENT
Attorney Docket No. 018891-001020US	: TO ISSUE CERTIFICATE OF CORRECTION
Title: Monomethylvaline Compounds Capable of Conjugation to Ligands	:

This is a decision following remand from the District Court for the District of Columbia regarding the patent term adjustment indicated on the above-identified patent. The Court remanded this matter to the U.S. Patent and Trademark Office for recalculation of the patent term adjustment in accordance with the decision in Wyeth & Elan Pharma Int'l Ltd. v. Kappos, 591 F.3d 1364 (Fed. Cir. 2010).

The patent term adjustment indicated on the above-identified patent has been recalculated as directed by the Court. The term of the above-identified patent is extended or adjusted by five hundred and seventy-eight (578) days.

The application is being forwarded to the Certificates Branch for issuance of a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by five hundred and seventy-eight (578) days.

Telephone inquiries specific to this matter should be directed to Senior Legal Advisor, Kery A. Fries at (571) 272-7757.

/Kery A. Fries/

Kery Fries
Senior Legal Advisor Attorney
Office of Patent Legal Administration
Office of Associate Commissioner
For Patent Examination Policy

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,498,298 B2

DATED : **March 3, 2009** **DRAFT**

INVENTOR(S) : Doronina 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 274 days

Delete the phrase "by 274 days" and insert – by 578 days--

Day : Wednesday

PALM INTRANET

Date: 3/10/2010
Time: 15:43:05

PTA Calculations for Application: 10/983340			
Application Filing Date:	11/05/2004	PTO Delay (PTO):	484
Issue Date of Patent:	03/03/2009	Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	210
Post-Issue Petitions:	0	Total PTA (days):	578
PTO Delay Adjustment:	304		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
100	03/10/2010	ADJUSTMENT OF PTA CALCULATION BY PTO	304		
90.5	02/11/2009	PTA 36 MONTHS	162		
90	03/03/2009	PATENT ISSUE DATE USED IN PTA CALCULATION	15		81
89	01/22/2009	EXPORT TO FINAL DATA CAPTURE			
88	01/20/2009	FINISHED INITIAL DATA CAPTURE			
87	01/21/2009	DISPATCH TO FDC			
86	10/03/2008	RULE 47 / 48 CORRECTION OF INVENTORSHIP PAPERS FILED			
85	10/31/2008	APPLICATION IS CONSIDERED READY FOR ISSUE			
84	11/03/2008	MAIL RESPONSE TO 312 AMENDMENT (PTO-271)			
83	10/31/2008	RESPONSE TO AMENDMENT UNDER RULE 312			
82	10/21/2008	CORRESPONDENCE ADDRESS CHANGE			
81	10/16/2008	ISSUE FEE PAYMENT VERIFIED			
80	10/16/2008	ISSUE FEE PAYMENT RECEIVED			
79	10/03/2008	AMENDMENT AFTER NOTICE OF ALLOWANCE (RULE 312)		32	84
78	10/03/2008	MISCELLANEOUS INCOMING LETTER		88	
76	08/27/2008	WORKFLOW - QUERY REQUEST - FINISH			
75	08/26/2008	TC RETURN TO PUBS			
74	08/26/2008	MAIL MISCELLANEOUS COMMUNICATION TO APPLICANT			
73	08/25/2008	MISCELLANEOUS COMMUNICATION TO APPLICANT - NO ACTION COUNT			
72	08/12/2008	PUBS CASE REMAND TO TC			
71	08/18/2008	WORKFLOW - QUERY REQUEST - BEGIN			

70	08/05/2008	SEQUENCE FORWARDED TO PUBS ON TAPE			
69	07/21/2008	EXPORT TO INITIAL DATA CAPTURE			
66	07/17/2008	MAIL NOTICE OF ALLOWANCE	13		52
65	07/17/2008	ISSUE REVISION COMPLETED			
64	07/17/2008	DOCUMENT VERIFICATION			
63	07/15/2008	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
62	07/15/2008	CASE DOCKETED TO EXAMINER IN GAU			
61	07/15/2008	EXAMINER'S AMENDMENT COMMUNICATION			
60	07/15/2008	NOTICE OF ALLOWABILITY			
59	07/07/2008	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
55	03/04/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
54	03/04/2008	AFFIDAVIT(S) (RULE 131 OR 132) OR EXHIBIT(S) RECEIVED			
53	04/01/2008	DATE FORWARDED TO EXAMINER			
52	03/04/2008	RESPONSE AFTER NON-FINAL ACTION		60	44
51	03/04/2008	REQUEST FOR EXTENSION OF TIME - GRANTED			
49	03/04/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
48	11/14/2007	REFERENCE CAPTURE ON IDS			
47	11/14/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
44	10/04/2007	MAIL NON-FINAL REJECTION			
43	10/01/2007	NON-FINAL REJECTION			
42	09/04/2007	WORKFLOW - SIGNATORY REVIEW - FINISH			
41	07/18/2007	DATE FORWARDED TO EXAMINER			
40	07/09/2007	RESPONSE AFTER NON-FINAL ACTION		30	38
39	07/09/2007	REQUEST FOR EXTENSION OF TIME - GRANTED			
38	03/09/2007	MAIL NON-FINAL REJECTION			
37	03/05/2007	NON-FINAL REJECTION			
36	08/24/2005	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
35	03/05/2007	WORKFLOW - SIGNATORY REVIEW - BEGIN			
34	11/09/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
33	12/21/2006	DATE FORWARDED TO EXAMINER			

32	12/05/2006	RESPONSE TO ELECTION / RESTRICTION FILED			
31	12/05/2006	REQUEST FOR EXTENSION OF TIME - GRANTED			
30	11/09/2006	REFERENCE CAPTURE ON IDS			
29.7	11/09/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
29	11/09/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
28	10/26/2006	MAIL RESTRICTION REQUIREMENT	294		-1
27	10/25/2006	REQUIREMENT FOR RESTRICTION / ELECTION			
26	08/24/2005	REFERENCE CAPTURE ON IDS			
25.7	08/24/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
25	08/24/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
24	07/15/2005	RECEIPT OF ALL ACKNOWLEDGEMENT LETTERS			
23	07/15/2005	RECEIPT OF ACKNOWLEDGMENT LETTER			
22	04/26/2005	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
21	04/26/2005	CASE DOCKETED TO EXAMINER IN GAU			
20	04/22/2005	APPLICATION RETURN FROM OIPE			
19	04/22/2005	APPLICATION IS NOW COMPLETE			
18	04/22/2005	APPLICATION RETURN TO OIPE			
17	04/21/2005	APPLICATION DISPATCHED FROM OIPE			
16	04/22/2005	APPLICATION IS NOW COMPLETE			
15	04/04/2005	ADDITIONAL APPLICATION FILING FEES			
13	04/04/2005	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
12	02/28/2005	AGENCY REFERRAL LETTER MAILED			
11	02/23/2005	REFERRED BY L&R FOR THIRD-LEVEL SECURITY REVIEW. AGENCY REFERRAL LETTER GENERATED			
10	01/07/2005	NOTICE MAILED--APPLICATION INCOMPLETE--FILING DATE ASSIGNED			
7	12/15/2004	AUTO REFERRED BY PALM PRE EXAM			
6	12/09/2004	CLEARED BY OIPE CSR			
5	12/09/2004	CASE CLASSIFIED BY OIPE			
4	12/09/2004	IFW SCAN & PACR AUTO SECURITY REVIEW			

3	11/17/2004	CRF IS GOOD TECHNICALLY / ENTERED INTO DATABASE			
2	11/05/2004	CRF DISK HAS BEEN RECEIVED BY PREEXAM / GROUP / PCT			
1	11/05/2004	INITIAL EXAM TEAM NN			

Search Another: Application# Search

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

To go back, right click here and select Back. To go forward, right click here and select Forward. To refresh, right click here and select Refresh.

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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

Mail Date: 04/20/2010

Applicant	: Henry A. Smith III	: DECISION ON REQUEST FOR
Patent Number	: 7591487	: RECALCULATION of PATENT
Issue Date	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/983,357	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/08/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1136** 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
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JOSEPH J. LAKS
2 INDEPENDENCE WAY, PATENT OPERATIONS
THOMSON LICENSING LLC
P.O. BOX 5312
PRINCETON, NJ 08543

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JUN 18 2008

In re Application of	:	
Antoine **SIMKINE**	:	
Application No. 10/983,365	:	DECISION ON PETITION
Filed: November 8, 2004	:	
Attorney Docket No. PUO4O284	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 2, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, August 3, 2007, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 4, 2007.

The petition satisfies the requirements for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment, (2) the petition fee of $ 1540 and (3) a proper statement of unintentional delay have been received. Accordingly, the reply to the non-final Office action of August 3, 2007 is accepted as having been unintentionally delayed.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant of 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to Lori Baker Amerson at (571)272-6051.

This application is being referred to Technology Center AU 2622 for appropriate action on the concurrently filed Request for Continued Examination and amendment.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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DIRECTORS OFFICE

JUL 1 1 2006

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062006

WOODCOCK WASHBURN LLP
ONE LIBERTY PLACE, 46TH FLOOR
1650 MARKET STREET
PHILADELPHIA PA 19103

In re Application of:	:	
Stephen R. Forrest et al.	:	DECISION *SUA SPONTE*
Serial No.: 10/983,366	:	WITHDRAWING HOLDING
Filed: November 8, 2004	:	OF ABANDONMENT
Attorney Docket No.: PUAS-0068	:	

This is a decision, *sua sponte*, withdrawing the holding of abandonment of the above-identified application.

A non-final Office action was mailed on November 18, 2005, setting a three-month shortened statutory period for response thereto. In an apparent failure to receive a response, the application was held abandoned and a Notice of Abandonment was mailed on June 5, 2006.

Although no petition or request to withdraw the holding of abandonment in this application has been filed, the Notice of Abandonment is hereby vacated and the holding of abandonment is withdrawn in view of the fact that a Response along with a petition for an extension of time of three months, an Information Disclosure Statement and requisite fees were timely filed on May 18, 2006. The application is not abandoned in fact.

The response file May 18, 2006 will be processed and an Office action will be prepared by the examiner in due course.

Any inquiry regarding this decision should be directed to Hien H. Phan, Special Program Examiner, at (571) 272-1606.

Janice A. Falcone, Group Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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BOND, SCHOENECK & KING, PLLC
ONE LINCOLN CENTER
SYRACUSE NY 13202-1355

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AUG 2 9 2005
OFFICE OF PETITIONS

In re Application of	:	
Shepard, Knaebel, and Gray	:	DECISION REFUSING STATUS
Application No. 10/983,379	:	UNDER 37 CFR 1.47(a)
Filed: 8 November, 2004	:	
Atty Docket No. 700PRO009(A)	:	

This is in response to the petition under 37 CFR 1.47(a) filed on 4 August, 2005.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Extensions of time may be obtained in accordance with 37 CFR 1.136(a).

The above-identified application was filed on 8 November, 2004, without an executed oath or declaration. Accordingly, on 2 February, 2005, Initial Patent Examination Division mailed a Notice to File Missing Parts of Nonprovisional Application, requiring an executed oath or declaration and a surcharge for its late filing.

In response, on 4 August, 2005 (certificate of mailing date 2 August, 2005), the present petition was filed, accompanied by a request for extension of time, an oath or declaration naming Donald F. Shepard, David B. Knaebel, and D. Anthony Gray as joint

inventors and signed by joint inventors Knaebel and Gray on behalf of themselves and non-signing joint inventor Shepard.

Petitioners state that the application and declaration were transmitted to the non-signing inventor on "numerous occasions", but that the non-signing inventor has filed to sign and return the declaration.

A grantable petition under 37 CFR 1.47(a) requires:

(1) proof that the non-signing inventor cannot be reached or located, notwithstanding diligent effort, or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);

(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;

(3) the petition fee;

(4) a surcharge of $130 or $65 (small entity) if the petition and/or declaration is not filed at the time of filing the application, and

(5) a statement of the last known address of the non-signing inventor.

The petition lacks item (1).

In regards to item (1), petitioners have not provided sufficient proof that joint inventor Shepard was sent or presented with a copy of the application as filed (specification, including claims, drawings, if any, and the declaration).[1] Specifically, it is not clear if the statement in the petition was made by a person with first-hand knowledge that the specification, including claims, and the drawings, and the declaration were sent to the non-signing inventor.

Petitioners may show proof that a copy of the application was sent or given to the non-signing inventor for review by providing a copy of the cover letter transmitting the application papers (specification, including claims, drawings, if any, and the declaration) to the non-signing inventor or details given in an affidavit or declaration of facts by a person having first-hand knowledge of the details.

Likewise, before a *bona fide* refusal to sign the declaration can be alleged, petitioners must show that a copy of the application was sent or given to the inventor. If the inventor refuses in writing, petitioners must submit a copy of that written refusal

[1] MPEP 409.03(d).

with any renewed petition. If the refusal was made orally to a person, then that person must provide details of the refusal in an affidavit or declaration of fact.

It is also noted that the papers received on 4 August, 2005, include a Certificate of Mailing dated 16 June, 2005, although the papers themselves have been dated 2 August, 2005, in numerous places. Pursuant to 37 CFR 1.8(a), correspondence is considered timely if it includes a certificate for each piece of correspondence stated the date of deposit or transmission. The person signing the certificate should have reasonable basis to expect that the correspondence would be mailed or transmitted on or before the date indicated.

In view of the date of 2 August, 2005, placed elsewhere on the petition and related documents, it appears that the date of 16 June, 2005, placed on the Certificate of Mailing was done so in error, and petitioner's request for a four (4) month extension of time, it is obvious that the petition and related correspondence was not mailed on 16 June, 2005. As such, the Certificate of Mailing dated 16 June, 2005, is improper.

Nevertheless, since a proper Certificate of Mailing dated 2 August, 2005, was included on the transmittal letter filed with the petition, the petition may be considered to have been filed on 2 August, 2005.

It is additionally noted that the petition fee for a petition under 37 CFR 1.47(a) is now $200.00. The balance of the petition fee due will be charged to counsel's deposit account.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PETITIONS

In re Application of	:
Shepard, Knaebel, and Gray	: DECISION REFUSING STATUS
Application No. 10/983,379	: UNDER 37 CFR 1.47(a)
Filed: 8 November, 2004	:
Atty Docket No. 700PRO009(A)	:

This is in response to the renewed petition under 37 CFR 1.47(a) filed on 29 November, 2005.

The petition is again **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Extensions of time may be obtained in accordance with 37 CFR 1.136(a).

The above-identified application was filed on 8 November, 2004, without an executed oath or declaration. Accordingly, on 2 February, 2005, Initial Patent Examination Division mailed a Notice to File Missing Parts of Nonprovisional Application, requiring an executed oath or declaration and a surcharge for its late filing. In response, on 4 August, 2005 (certificate of mailing date 2 August, 2005), a petition was filed, accompanied by a request for extension of time, an oath or declaration naming Donald F. Shepard, David B. Knaebel, and D. Anthony Gray as joint inventors and signed by joint inventors Knaebel and Gray on

behalf of themselves and non-signing joint inventor Shepard. The petition was dismissed on 29 August, 2005.

The renewed petition is accompanied by Page 1 of the declaration, listing inventor Shepard.

The petition is dismissed because, although joint inventor Shepard's signature has been provided, non-initialed and/or non - dated alterations have been made to the oath or declaration.[1] Specifically, the correction to joint inventor Shepard's name has not been dated. A new declaration in compliance with 35 U.S.C. §§ 115 and 116 is required.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

[1] See 37 CFR 1.52(c).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DIW Feb-06

BOND, SCHOENECK & KING, PLLC
ONE LINCOLN CENTER
SYRACUSE NY 13202-1355

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FEB 24 2006

OFFICE OF PETITIONS

In re Application of	:
Shepard et al.	: DECISION NOTING JOINDER OF
Application No. 10/983,379	: INVENTOR AND PETITION
Filed: 8 November, 2004	: UNDER 37 CFR 1.47(a) MOOT
Atty Dckt No. 700PRO009(A)	:

Papers filed on 8 February, 2006, in response to the decision dismissing petition mailed on 12 December, 2005, included a Declaration signed by the previously non-signing inventor, Donald P. Shepard, in compliance with 37 CFR 1.63.

In view of the joinder of the inventor, further consideration under 37 CFR 1.47(a) is moot; this application does not have any rule 1.47(a) status and no such status should appear on the file wrapper. This application need not be returned to this office for any further consideration under 37 CFR 1.47(a).

This application will be referred to Technology Center Art Unit 2856 for examination in due course.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Paper No. 022205

Leo J. Aubel
111 Riverhire Lane
Lincolnshire, IL 60069

OCT 18 2005

In re Application of:
Robert W. Beckwith
Serial No.: 10/983,380
Filed: November 8, 2004
Attorney Docket No.: **P100 carbon**

DECISION ON PETITION
TO MAKE SPECIAL

This is a decision on the petition under 37 C.F.R. § 1.102(c), filed November 8, 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 birth certificate from Robert W. Beckwith showing 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 Edward Westin at (571) 272-1638.

Edward Westin

Edward Westin, Special Programs Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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
DIW JUL-05

ALAN G. TOWNER, ESQUIRE
PIETRAGALLO, BOSICK & GORDON
ONE OXFORD CENTRE, 38TH FLOOR
301 GRANT STREET
PITTSBURGH PA 15219

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JUL 0 5 2005

OFFICE OF PETITIONS

In re Application of	:	
Wilson, Power, and Skulas	:	DECISION REFUSING STATUS
Application No. 10/983,381	:	UNDER 37 CFR 1.47(a)
Filed: 8 November, 2004	:	
Atty Docket No. LOISE 67484	:	

This is in response to the petition filed on 15 June, 2005, under 37 CFR 1.47(a).

The petition under 37 CFR 1.47(a) is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Extensions of time may be obtained in accordance with 37 CFR 1.136(a).

The above-identified application was filed on 8 November, 2004, without an executed oath or declaration. Accordingly, on 13 December, 2004, Initial Patent Examination Division mailed a Notice to File Missing Parts of Nonprovisional Application requiring the statutory basic filing fee, an oath or declaration, and a surcharge for their late filing. A two (2) month period for reply was set.

In response, on 15 June, 2005 (certificate of mailing date 13 June, 2005), petitioner filed a four (4) month extension of time, the present petition, late-filing surcharge, and a declaration naming Lon P. Wilson, Thomas P. Power, and Angelo Skulas as joint inventors signed by joint inventors Wilson and Power on behalf of themselves and joint inventor Skulas.

Petitioner asserts that a copy of the application was provided by email to the non-signing inventor's attorney, but that the inventor has refused, via his attorney, to sign the declaration.

A grantable petition under 37 CFR 1.47(a) requires:

(1) proof that the non-signing inventor cannot be reached or located, notwithstanding diligent effort, or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);

(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;

(3) the petition fee;

(4) a surcharge of $130 or $65 (small entity) if the petition and/or declaration is not filed at the time of filing the application, and

(5) a statement of the last known address of the non-signing inventor.

The petition lacks items (1).

In regards to item (1), petitioner has not provided sufficient proof that the non-signing inventor, Angelo Skulas, was sent or presented with a copy of the application as filed (specification, including claims, drawings, if any, and the declaration).[1]

In this regard, it is noted that while petitioner states in the petition that a copy of the application was sent by email to Skulas, it is unclear whether the statement is made by a person with first-hand knowledge of the details.

As such, in order for Rule 47(a) status to be granted in this application, petitioner must show that the non-signing inventor was presented with the application papers (specification, including the claims, drawings, if any, and the declaration) for the present application. Petitioners should provide a declaration by a person with first-hand knowledge of the details of the presentation and refusal setting forth the facts as they know them.

Petitioners may show proof that a copy of the application was sent or given to the non-signing inventors for review by providing a copy of the cover letter transmitting the application papers (specification, including claims, drawings, if any, and the declaration) to the non-signing inventors or details given in

[1] MPEP 409.03(d).

an affidavit or declaration of facts by a person having first-hand knowledge of the details.

If the application is returned as undeliverable, petitioner should present a copy of the envelope showing that the application sent to the last known address of the non-signing inventors was returned as undeliverable by the post office.

Likewise, before a *bona fide* refusal to sign the declaration can be alleged, petitioner must show that a copy of the application was sent or given to the non-signing inventor. If the inventor refuses in writing, petitioners must submit a copy of that written refusal with any renewed petition. If the refusal was made orally to a person, then that person must provide details of the refusal in an affidavit or declaration of fact.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (703) 872-9306
Attn: Office of Petitions

After 15 July, 2005:

(571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22134

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3231.

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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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ALAN G. TOWNER, ESQUIRE
PIETRAGALLO, BOSICK & GORDON
ONE OXFORD CENTRE, 38TH FLOOR
301 GRANT STREET
PITTSBURGH PA 15219

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SEP 3 0 2005

OFFICE OF PETITIONS

In re Application of	:	
Wilson, Power, and Skulas	:	DECISION ACCORDING STATUS
Application No. 10/983,381	:	UNDER 37 CFR 1.47(a)
Filed: 8 November, 2004	:	
Atty Docket No. LOISE 67474	:	

This is in response to the renewed petition filed under 37 CFR 1.47(a) on 22 August, 2005.

The petition is **GRANTED**.

Petitioners have shown that the non-signing inventor, Angelo Skulas, has refused to sign the declaration after having been presented with a copy of the application for patent. Specifically, petitioners have shown, via the statement of registered patent attorney Alan G. Towner, that a copy of the application was sent by E-mail to the non-signing inventor via his attorney, Charlie Kelly. Furthermore, attorney Towner states that he sent a follow-up E-mail to attorney Kelley, requesting that non-signing inventor Skulas sign and return the declaration, but that Skulas has failed to sign and return the declaration naming him as a joint inventor along with Lon P. Wilson and Thomas P. Power.

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.

In accepting this petition, the Office is construing the address given in the Application Data Sheet as the last known address for the non-signing inventor. Petitioners **must** inform the Office if this interpretation is not correct.

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 Application Data Sheet filed with the original application papers on 8 November, 2004. Notice of the filing of this application will also be published in the *Official Gazette*.

The application is being referred to Technology Center 3762 for examination in due course.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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ONE OXFORD CENTRE, 38TH FLOOR
301 GRANT STREET
PITTSBURGH, PA 15219

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JUL 13 2005

OFFICE OF PETITIONS

In re Application of:	
Wilson et al.	
Application No. 10/983,384	DECISION GRANTING
Filed: November 8, 2004	PETITION UNDER
Title of Invention:	37 CFR 1.47(a)
GATED BLOOD POOL AND FIRST PASS	
IMAGING SYSTEM	

This is in response to the Petition Under 37 CFR § 1.47, FILED June 15, 2005, to allow the other inventor(s) to proceed with the application on behalf of himself or herself and the nonsigning inventor(s). The petition is properly treated under under 37 CFR § 1.47(a).

The petition is **granted**.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

Petitioner has shown that the non-signing inventor, Angelo Skulas, refuses to join in the application.

As provided in Rule 1.47(a), this Office will forward notice of this application's filing to the non-signing inventor at the addresses given in the Petition. Notice of the filing of this application will also be published in the Official Gazette.

The application file is being returned to 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
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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MR. ANGELO SKULAS
C/O MR. CHARLIE KELLY, Esq.
SINCLAIR, KELLY, JACKSON,
REINHART & HAYDEN LLC
SOUTHPOINTE CENTER
501 CORPORATE BLVD, STE. 200
CANNONSBURG, PA 15317

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JUL 13 2005

OFFICE OF PETITIONS

In re Application of: :
Wilson et al. :
Application No. 10/983,384 : LETTER
Filed: November 8, 2004 :
Title of Invention: GATED BLOOD :
POOL AND FIRST PASS IMAGING SYSTEM :

Dear Mr. Skulas:

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: ALAN G. TOWNER
PIETRAGALLO, BOSICK & GORDON
ONE OXFORD CENTRE, 38TH FLOOR
301 GRANT STREET
PITTSBURGH, PA 15219

UNITED STATES PATENT AND TRADEMARK OFFICE

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JUN 2 2005

Docket Clerk
P.O. Drawer 800889
Dallas, TX 75380

In re application of Thomas D. Smith III Application No. 10/983,385 Filed: November 8, 2004 For: RETICLE FOR TELESCOPIC GUNSIGHT AND METHOD OF USING	: : : :	**DECISION ON PETITION TO MAKE SPECIAL (APPLICANT'S AGE)**

This is a decision on the petition submitted on November 8, 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 statement signed by Thomas D. Smith III indicating that he is at least 65 years of age.

The examiner is directed (1) to make an interference search for possible interfering applications, (2) to promptly examine this application out of turn, and (3) if any interfering application is discovered, to examine such application simultaneously and state in the first official letter of such application that it is being taken out of turn because of a possible interference.

Petitioner is advised that this application will continue to be special, throughout its entire prosecution and pendency, including interference or appeal, if any, only if petitioner makes a prompt ***bona fide*** effort, in response to each Office action, to place the application in condition for allowance, even if it is necessary to conduct an interview with the examiner to accomplish this purpose.

SUMMARY: Petition to Make Special **GRANTED**.

Randolph A. Reese
Special Programs Examiner
Technology Center 3600
(703) 308-2121

RAR/dcg: 4/6/05

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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The Dow Chemical Company
Intellectual Property Section
P.O. Box 1967
Midland MI 48641-1967

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JAN 0 4 2008

OFFICE OF PETITIONS

In re Application of	:	
Lirong Zhou	:	
Application No. 10/983,387	:	DECISION GRANTING PETITION
Filed: November 8, 2004	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 63906	:	

This is a decision on the petition filed December 19, 2007 under 37 CFR 1.313(c)(3), which is being treated as a petition under 37 CFR 1.313(c)(2), to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on December 10, 2007 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Terri Williams at (571) 272-2991.

This application is being referred to Technology Center AU 1751 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment.

Karen Creasy

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 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.*

PTO/SB/17 (10-07)
Approved for use through 06/30/2010. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no person are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL
For FY 2008

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT ($) 810.00

Complete if Known	
Application Number	10/983,387
Filing Date	November 8, 2004
First Named Inventor	Lirong Zhou
Examiner Name	Not Yet Assigned
Art Unit	1751
Attorney Docket No.	63906

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☒ Deposit Account Deposit Account Number: 04-1512 Deposit Account Name: The Dow Chemical Company

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below
☐ Charge fee(s) indicated below, **except for the filing fee**
☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17
☒ Credit any overpayments

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

	FILING FEES		SEARCH FEES		EXAMINATION FEES		
Application Type	Fee ($)	Small Entity Fee ($)	Fee ($)	Small Entity Fee ($)	Fee ($)	Small Entity Fee ($)	Fees Paid ($)
Utility	310	155	510	255	210	105	
Design	210	105	100	50	130	65	
Plant	210	105	310	155	160	80	
Reissue	310	155	510	255	620	310	
Provisional	210	105	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee ($)	Small Entity Fee ($)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	210	105
Multiple dependent claims	370	185

Total Claims		Extra Claims		Fee ($)		Fee Paid ($)
6	- 20 =		x		=	

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims		Extra Claims		Fee ($)		Fee Paid ($)
1	- 3 =		x		=	

HP = highest number of independent claims paid for, if greater than 3.

Multiple Dependent Claims	
Fee ($)	Fee Paid ($)

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is $260 ($130 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets		Extra Sheets		Number of each additional 50 or fraction thereof		Fee ($)		Fee Paid ($)
	- 100 =		/50 =		(round up to a whole number) x		=	

4. OTHER FEE(S) — Fees Paid ($)

Non-English Specification, $130 fee (no small entity discount)

Other (e.g., late filing surcharge): 1801 Request for continued examination (RCE) (see 37 ... 810.00

SUBMITTED BY

Signature	/Norman L. Sims/	Registration No. (Attorney/Agent)	30,685	Telephone	(248) 391-6455
Name (Print/Type)	Norman L. Sims			Date	December 19, 2007

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4).

Dated: December 19, 2007 Signature: /Mildred F. McKenzie/

12/04/2008 CKHLOK 00000006 041512 10983387
01 FC:1464 130.00 DA

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WARREN SKLAR
RENNER, OTTO, BOISSELLE & SKLAR, LLP
1621 EUCLID AVE
19TH FL
CLEVELAND OH 44115

COPY MAILED

JAN 17 2007

OFFICE OF PETITIONS

In re Application of	:	
James Fergason	:	
Application No. 10/983,403	:	DECISION ON PETITION
Filed: November 8, 2004	:	TO MAKE SPECIAL UNDER
Attorney Docket No. OSVRP109WOUSE	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 29, 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, James Fergason, driver's license proving that he is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 2629 for action on the merits commensurate with this decision.

Terri Williams

Terri Williams
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

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DEC 0 5 2007

OFFICE OF PETITIONS

WARREN SKLAR RENNER, OTTO,
BOISSELLE & SKLAR, LLP
1621 EUCLID AVENUE, 19TH FLOOR
CLEVELAND OH 44115

In re Application of	:	
James L. Fergason	:	
Application No. 10/983,403	:	DECISION GRANTING PETITION
Filed: November 8, 2004	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. OSVRP109WOUSE	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed November 30, 2007, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on November 8, 2007 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 2629 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

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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.*

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

KIRTON AND MCCONKIE
60 EAST SOUTH TEMPLE,
SUITE 1800
SALT LAKE CITY UT 84111

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APR 16 2008

In re Application of	:
Ruben F. Lah et al	:
Application No. 10/983,417	: DECISION GRANTING PETITION
Filed: November 8, 2004	: UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 9312.72	:

This is a decision on the petition under 37 CFR 1.313(c)(2), filed April 15, 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 16, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 1797 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.*

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Technology Center 2100

Lee W. Henderson Ph.D.
KNOBBE, MARTENS, OLSON & BEAR, LLP
2040 Main Street
Fourteenth Floor
Irvine, CA 92614

In re Application of:
Lawrence Kates
Application No. 10/983,419
Filed: November 8, 2004
For: TOUCH-SCREEN REMOTE CONTROL FOR MULTIMEDIA EQUIPMENT

DECISION ON PETITION TO MAKE SPECIAL UNDER 37 C.F.R. § 1.102(c) AND MPEP § 708.02 (IV): APPLICANT'S AGE

This is a renewed decision on the petition, filed August 14, 2006, under 37 C.F.R. § 1.102(c) and M.P.E.P. § 708.02(IV): Applicant's Age, to make the above-identified application special.

A grantable petition to make special under 37 C.F.R. § 1.102 and in accordance with M.P.E.P. § 708.02, Section IV must include a showing, as by a birth certificate or the applicant's statement, that the applicant is sixty five (65) years of age or more. No fee is required for this petition.

The petition includes a copy of Lawrence Kates' statement establishing that applicant is sixty five (65) years of age or more. Accordingly, the petition is **GRANTED.**

The application is being forwarded to the examiner for expedited prosecution.

James R. Matthews

FM Vincent Trans
Special programs Examiner
Technology Center 2100
Computer Architecture, Software, and Information Security
(571) 272-3613

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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.
10/983,438	11/08/2004	Andrew D. Christian	200316631-1	2010

7590 04/14/2008
HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER
TSANG, FAN S

ART UNIT	PAPER NUMBER
2614	

NOTIFICATION DATE	DELIVERY MODE
04/14/2008	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: 04/15/2008 DTERRY
11/10/2004 AADDFO1 00000016 082025 10983438
02 FC:1202 126.00 CR

FORM PET651G (Rev. 08/07)

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : May 2, 2010

TO SPE OF : ART UNIT 2441 - SPE Wing F. Chan.

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/983,442 Patent No.: 7,689,723 B1

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square Building
2800 South Randolph Street
Arlington, VA 22206

Antonio Johnson

Should the changes in the claims 8 and 15 be made?
See COCIN dated 04-21-2010

Certificates of Correction Branch

(571)272-0483

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☐ **Approved** — **All** changes apply.
- X **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: The corrections request for deleting "and a second virtual node is configured with a second value for the first communications parameter." from claims 8 and 15 is denied as the correction changes the scope of the claims (Note: the claimed limitation is always in the claims during the prosecution). The correction for replacing the word "for" with the word –of-- in claim 8 is approved.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

/Wing F. Chan/ 2441

SPE Art Unit

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DALE F. REGELMAN
QUARLES & BRADY, LLP
ONE SOUTH CHURCH AVENUE, STE. 1700
TUCSON, AZ 85701-1621

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SEP 02 2009

OFFICE OF PETITIONS

In re Application of	:	
Jeremy Andrew	:	
Application No. 10/983,444	:	DECISION ON PETITION
Filed: November 8, 2004	:	
Attorney Docket No. TUC920040080US1	:	

This is a decision on the petition, filed May 1, 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 final Office action mailed December 5, 2008, which set a three (3) month shortened statutory period for reply. No Notice of Abandonment has been mailed.

Petitioner asserts that the Office action dated December 5, 2008 was not received.

A review of the written record indicates an irregularity in the mailing of the Office action of December 5, 2008. In this regard, the Office received a change of address on June 24, 2008, prior to the mailing of the Office action of December 5, 2008. This change of address requested that the correspondence address be changed to the address associated with Customer Number 48090 which is the customer number for Daniel Small. Office records were updated to reflect the new address. A subsequent change of address was filed June 30, 2008 which requested the address be changed to that associated with Customer Number 49080. Office records were not updated to reflect this new change of address. It appears the change of address filed June 24, 2008 was filed with the wrong customer number and the subsequent change of address was filed on June 30, 2008 to correct the customer number from 48090 to 49080. Unfortunately, the request filed June 30, 2008 to correct the customer number error was never processed.

Accordingly, as the Office action was mailed to an incorrect address, the abandonment of the above identified application is hereby vacated.

The Request for change of address filed June 30, 2008 and resubmitted on May 1, 2009 has been recorded to show the correspondence address associated with customer number 49080.

This application is being referred to the Technology Center technical support staff of Art Unit 2445 for remailing the Office action of December 5, 2008 and resetting the period for reply.

Carl Friedman
Petitions Examiner
Office of Petitions

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JINAN GLASGOW
300 N. GREENE ST., SUITE 1600
P.O. BOX 2974
GREENSBORO, NC 27401

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OFFICE OF PETITIONS

In re Application of	:	
Beretich et al.	:	DECISION ON PETITION
Application No. 10/983,458	:	TO WITHDRAW
Filed: November 8, 2004	:	FROM RECORD
Attorney Docket No. 7401-008	:	

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 17, 2005.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to Howard A. MacCord, Jr. has been revoked by the assignee of the entire interest 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.

David Bucci
Petitions Examiner
Office of Petitions

cc:

JINAN GLASGOW
SPORE, INC.
PO BOX 28539
RALEIGH, NC 27611-8539

NEOPATENTS, INC.
510 GLENWOOD AVENUE, SUITE 321
RALEIGH, NC 27603

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CLARK & ELBING LLP
101 FEDERAL STREET
BOSTON MA 02110

In re Application	:
Hailes, et al.	:
Application No. 10/983,464	: PATENT TERM ADJUSTMENT
Filed: November 8, 2004	:
Dkt. No.: 50512/002001	:

This is in response to the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1. 705," filed June 12, 2009. This matter is being properly treated under 37 CFR 1.705(b). Applicants submit that the correct patent term adjustment to be indicated on the patent is 620 days, not 270 days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicant requests this correction on the sole 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 patent term adjustment application fee of $200.00 is hereby acknowledged. See, 37 CFR 1.18(e).

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months after issuance pursuant to 37 CFR 1.705(d) and must include payment of the required fee under 37 CFR 1.18(e).

The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

[1] For example, if applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the §1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.

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OFFICE OF PETITIONS

CLARK & ELBING LLP
101 FEDERAL STREET
BOSTON MA 02110

In re Patent No.: 7,598,421
Issued: October 6, 2009
Application No. 10/983,464
Filed: November 8, 2004
Dkt. No.: 50512/002001

: DECISION ON APPLICATION FOR
: PATENT TERM ADJUSTMENT and
: NOTICE OF INTENT TO ISSUE
: CERTIFICATE OF CORRECTION
:

This is a decision on the petition filed on November 18, 2009, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by 620 days.

The petition to correct the patent term adjustment indicated on the above-identified patent is **GRANTED to the extent indicated herein.**

As the period from the filing date of the request for continued examination (RCE) to the issue date of the patent is not included in the "B" delay period, the over three year period begins on November 9, 2007 and ends on December 14, 2008, the day before the RCE was filed, and not December 15, 2008 the day of filing of the RCE as calculated by patentees. See, 35 U.S.C. 154(b)(1)(B)(i). Thus, the over 3 year period is 402 days, not 403 days, and considering the 53 days of overlap, the correct patent term adjustment is 619 days, not 620 days.

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136. See, 37 CFR 1.323(a)(4).

The required patent term adjustment application fee of $200.00 fee set forth in 37 CFR 1.18(e) as been charged to Deposit Account No. 03-2095, as authorized. No additional fees are required.

The application is being forwarded to the Certificates of Corrections Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by 619 days.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,598,421 B2

DATED : **October 6, 2009** **DRAFT**

INVENTOR(S) : Hailes, 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 286 days

Delete the phrase "by 286 days" and insert – by 619 days--

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062006

David H. Chan
Apt A
1601 S Marengo Ave
Alhambra CA 91803

In re Application of: Richard Hawkins et al. Serial No.: 10/983,466 Filed: November 8, 2004 For: METHOD AND APPARATUS FOR INK-BASED ELECTRONIC VOTING	: : : : : : :	DECISION ON PETION TO MAKE SPECIAL

This is a decision on the petition under 37 C.F.R. § 1.102, filed February 11, 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 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 a showing, as by a birth certificate or the applicant's affidavit or declaration, that the applicant is sixty five (65) years of age or more. No fee is required for this petition.

The petition includes a declaration by inventor Richard Hawkins asserting that he is over sixty five (65) years of age.

Accordingly, the petition is GRANTED.

The application is being forwarded to the examiner for expedited prosecution.

If the examiner can make this application special without prejudice to any possible interfering applications, and he/she should make a rigid search for such, he/she is authorized to do so for the next action. Should the application be rejected, the application will not be considered special for the subsequent action unless the applicant promptly makes a bona fide effort to place the application in condition for allowance, even if it is necessary to have an interview with the examiner to accomplish this purpose.

If the examiner finds any interfering application for the same subject matter, he/she should consider such application simultaneously with this application and should state in the official letter of such application that he/she is taking it out of its turn because of possible interference.

Should an appeal be taken in this application or should this application becomes involved in an interference, consideration of the appeal and the interference will be expedited by all Patent and Trademark Office officials concerned, contingent likewise upon diligent prosecution by the applicant.

After allowance, this application will be given priority for printing. See M.P.E.P. § 1309.

The petition is granted to the extent indicated.

Hien H. Phan, Special Program Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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PEPPER HAMILTON LLP
ONE MELLON CENTER, 50TH FLOOR
500 GRANT STREET
PITTSBURGH PA 15219

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OFFICE OF PETITIONS

In re Application of Dossena, et al. Application No. 10/983,467 Deposited: November 8, 2004 Attorney Docket No. 128346.32031	: : : : :	DECISION DISMISSING PETITION

This is a decision on the correspondence, filed March 3, 2005 (certificate of mailing date February 28, 2005), requesting that the Office accord the above-identified application a filing date of November 8, 2004, using the drawings submitted with the correspondence. The correspondence will be treated as a petition under 37 CFR 1.182.

The petition under 37 CFR 1.182 is **dismissed**.

On November 8, 2004, the application was deposited.

On February 2, 2005, the Office of Initial Patent Examination mailed a Notice drawings and an oath/declaration were missing and that a filing date would be accorded upon receipt of the missing drawings.

In response, the present petition alleges that the drawings were inadvertently omitted. However, the specification incorporated by reference the entire disclosure of the parent application no. 10/744,690.

The Office allows an applicant to rely upon an incorporation by reference of a parent application when a portion of the child application has been inadvertently omitted. If the application is not entitled to a filing date without the missing material, a petition under 37 CFR 1.182 and the required petition fee, including an amendment submitting the necessary omitted material, requesting that the necessary omitted material contained in the prior application and submitted in the amendment, be included in the divisional application based upon the incorporation by

reference statement , is required in order to accord the application a filing date as of the date of deposit of the divisional application. MPEP 201.06(c)(IV)(A).

Unfortunately, petitioners have not stated on the record that the drawings submitted as the amendment are identical to those found in application no. 10/744,690.

In view of the above, the petition is **dismissed**. Petitioners are urged to submit a statement that the drawings submitted with the present petition are an exact copy of the drawings in application no. 10/744,690.

The 37 CFR 1.182 petition fee of $400 will be charged to deposit account no. 50-0436.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By FAX: (703) 872-9306 – ATTN: Office of Petitions

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

E Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

25 JAN 2005

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ALEXANDRIA, VA 22313-1450
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Maria M. Eliseeva, Esq.
Houston Eliseeva LLP
4 Militia Drive, Ste. 4
Lexington, MA 02421

In re Application of	:	
DOUNAEV et al.	:	
Serial No.: 10/983,473	:	DECISION ON
Filing Date: 05 November 2004	:	
Attorney Docket No.: 0061.0001US1	:	PETITION UNDER
For: METHODS AND SYSTEMS FOR DIGITAL	:	
DATA TRANSMISSION	:	37 CFR 1.137(b)

This application is before the PCT Legal Office for consideration of applicant's petition to revive under 37 CFR 1.137(b) filed on 05 November 2004.

On 20 March 2002, applicant filed international application PCT/RU02/00101. The deadline for entry into national stage expired thirty months after the priority date or by midnight on 20 September 2004. Thereafter, the application went abandoned for failure to enter national stage in the U.S. before the expiration of the thirty month period.

On 05 November 2004, applicant filed a petition to revive which was accompanied by a request for filing a continuation of an international application under Rule 76 accompanied by an Application Data Sheet, which indicated that the application was a continuation of PCT/RU02/00101 filed on 20 March 2002. The application was assigned serial no. 10/983,473 and treated as a filing under 35 U.S.C. 111.

DISCUSSION

The transmittal letter filed on 05 November 2004 did not identify the application as a national stage application being filed under 35 U.S.C. 371 but requested filing under 37 CFR 1.76 as a continuation application of pending international application PCT/RU02/00101. The application is considered filed under 35 U.S.C. 111(a). Accordingly, the original papers deposited on 05 November 2004 were properly accepted as a filing under 35 U.S.C. 111(a). Since the application is deemed to have been filed under 35 U.S.C. 111(a), international application PCT/RU02/00101 became abandoned as to the United States of America after midnight on 20 September 2004 for failure to pay the basic national fee.

On 05 November 2004, applicant also filed a petition under 37 CFR 1.137(b) to revive international application PCT/RU02/00101 as to the United States abandoned under 35 U.S.C. 371(d). The filing of the present continuing application under 35 U.S.C. 111(a) is accepted as the appropriate response under 37 CFR 1.137(b). See MPEP § 711.03(c).

All of the requirements of 37 CFR 1.137(b) for revival have been submitted. Applicants' statement that "the entire delay in filing the required reply from the due date for the required

statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

International application PCT/RU02/00101 is being revived for purposes of continuity only and since continuity has been established by this decision reviving the international application, the international application is again abandoned in favor of the present continuing application 10/983,473.

The specification and claims filed on 05 November 2004 complete the requirements for a filing date under 35 U.S.C. 111(a). Accordingly, these applications will be accorded a filing date of 05 November 2004.

Applicant is entitled to claim benefit under 35 U.S.C. 120 and 365(c) of the filing date of the international application for the common subject matter, since this application (Serial No. 10/983,473) and the international application (PCT/RU02/00101) designating the United States were copending on 05 November 2004.

CONCLUSION

Applicant's petition to revive under 37 CFR 1.137(b) is **GRANTED.**

This application is being forwarded to Office of Initial Patent Examination for further processing as an application filed under 35 U.S.C. 111(a), having a filing date of 05 November 2004. The application will then be examined in due course.

Cynthia M. Kratz

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

Telephone: (571) 272-3286

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PHILADELPHIA PA 19104-2891

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OFFICE OF PETITIONS

In re Patent No. 7,219,752	:	
Issued: May 22, 2007	:	
Application No. 10/983,486	:	ON PETITION
Filed: November 8, 2004	:	
Attorney Docket Number: APST-0083	:	

This is a decision on the petition, filed May 8, 2009, to correct the assignee's name on the front of the Patent. The petition is treated under 37 CFR 3.81(b)[1].

The petition is **GRANTED**.

Petitioner states that the name of the assignee was incorrectly identified 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 correctly reflect the name of the assignee on the front page of the Letters Patent.

37 CFR 3.81(b), effective June 25, 2004, reads:

> *After payment of the issue fee:* Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter.

A request for a certification of correction was filed April 15, 2009 and was dismissed in a decision mailed April 22, 2009 since the request was not accompanied by a petition under 37 CFR 3.81 and the proper fees.

---

[1] *See* Official Gazette of June 22, 2004

Office assignment records reflect that APS TECHNOLOGY, INC. is the name of the assignee of record. Accordingly, as the request complies with the provisions of 37 CFR 3.81(b), it would be appropriate for a certificate of correction to issue.

The petition fee and the fee for the certificate of correction have been properly applied.

Inquiries concerning this decision should be directed to the undersigned at (571) 272-3212. Any questions concerning the issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (703) 305-8309.

This file is being referred to the Certificates of Correction Branch for issuance of a certificate of correction.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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SCHWARTZ LAW FIRM, P.C.
SOUTHPARK TOWERS
SUITE 530
6100 FAIRVIEW ROAD
CHARLOTTE NC 28210

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OFFICE OF PETITIONS

In re Application of
Mark Miskie
Application No. 10/983,500
Filed: November 8, 2004
Attorney Docket No.: **114/2US**

ON PETITION

This is a decision on the petition filed May 23, 2007 under 37 CFR 1.137(b), [1] to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the non-Final Office Action mailed March 7, 2006. A shortened statutory period of three months was set for replying to the non-Final Office Action. No extensions of time having been requested, this application became abandoned June 8, 2006. Accordingly, a Notice of Abandonment was mailed on September 29, 2006.

This matter is being referred to Technology Center 3761 for appropriate action on the amendment filed May 23, 2007.

Telephone inquiries concerning this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

---

[1] Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

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In re Serial No.:	10/983,511	:	DECISION ON PETITION
Filed:	November 8, 2004	:	UNDER 37 C.F.R. § 1.324
For:	High-Density Amine-Functionalized: Surface		

This is a decision on the petition, filed April 15, 2005, to correct inventorship under 37 C.F.R. § 1.48(a).

The petition is **GRANTED**.

Accordingly, the name of Gangadhar Jogikalmath has been added to the inventorship of the instant Application.

Long V. Le
Supervisory Patent Examiner
Patent Examining Art Unit 1641

MCDONNEL BOEHNEN HULBERT & BERGHOFF
300 SOUTH WACKER DRIVE
32ND FLOOR
CHICAGO, IL 60606

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DUANE MORRIS LLP - Houston
3200 SOUTHWEST FREEWAY, SUITE 3150
HOUSTON, TX 77027

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MAR 0 3 2009

OFFICE OF PETITIONS

In re Application of :
Richard J. **NORCROSS, et al.** :
Application No. 10/983,515 :
Filed: November 8, 2004 :
Attorney Docket No. **D5433-203** :

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 9, 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 May 4, 2007. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). Accordingly, the date of abandonment of this application is August 5, 2007.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. 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).

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.

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) with submission required by 37 CFR 1.114 and fee of $810; (2) the petition fee of $1540, (3) an adequate statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See* In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $1050 extension of time fee submitted with the petition on May 9, 2008 was subsequent to the maximum extendable period for reply, petitioner may request a refund of this fee by writing to the following address: Mail Stop 16, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450. A copy of this decision should accompany petitioner's request.

Telephone inquiries concerning this decision should be directed to Monica A. Graves at (571) 272-7253.

This application is being referred to the Technology Center Art Unit 3654 for processing of the RCE and for appropriate action by the examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

Brian W. Brown
Petitions Examiner
Office of Petitions

cc: **REBECCA RUDICH**
MCKENNA LONG & ALDRIDGE, LLP
1901 K STREET NW
WASHINGTON, DC 20006

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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HOWARD TAK SU LIM
12210 RIVES AVENUE
DOWNEY, CA 90242

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AUG 1 1 2006
OFFICE OF PETITIONS

In re Application of	:	
Lim Howard Tak Su	:	
Application No. 10/983,552	:	ON PETITION
Filed: November 8, 2004	:	
Attorney Docket No.	:	

This is a decision on the petition under 37 CFR 1.137(b), filed February 7, 2006, to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to submit the Issue fee in a timely manner in reply to the Notice of Allowance mailed September 9, 2005, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on December 10, 2005.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the issue fee; (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.

There is no indication that petitioner has submitted an Issue Fee Transmittal Form (PTOL-85b). Accordingly, if petitioner desires to have the information normally found thereon printed on the patent, the attached blank Issue Fee Transmittal Form should be completed and returned to the Publishing Division, Box Issue Fee, within ONE MONTH from the mail date of this decision.

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

Attachment: PTOL-85b

UNITED STATES PATENT AND TRADEMARK OFFICE

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MAY 2 8 2009

OFFICE OF PETITIONS

Howard J. Greenwald, P.C.
349 W. Commercial Street, Suite 2490
East Rochester, NY 14445

In re Application of	:	
Conrad W. Schneiker	:	
Application No. 10/983,566	:	DECISION ON PETITION
Filed: November 8, 2004	:	TO WITHDRAW
Attorney Docket No. CWS-678	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 6, 2005.

The request is **moot because a revocation of power of attorney has been filed.**

A review of the file record indicates that the power of attorney to Howard J. Greenwald and all attorneys/agents of record has been revoked by the assignee of the patent application on December 9, 2005. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Harris Beach, PLLC
99 Garnsey Road
Pittsford, NY 14534

UNITED STATES PATENT AND TRADEMARK OFFICE

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BANNER & WITCOFF, LTD.
1100 13th STREET, N.W.
SUITE 1200
WASHINGTON DC 20005-4051

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OFFICE OF PETITIONS

In re Application of	:	
MOON, Chuso et al.	:	
Application No. 10/983,577	:	DECISION ON PETITION
Filed: November 09, 2004	:	TO WITHDRAW
Attorney Docket No. **006586.00006**	:	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 07, 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 Lisa M. Hemmendinger on behalf of all attorneys of record who are associated with customer No. 22907. 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 are no outstanding Office actions at this time.

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: **CHULSO MOON**
2 FERNHAM WAY
LUTHERVILLE, MD 21093

cc: **ANNE M. DERRICK**
CANGEN BIOTECHNOLOGIES, INC.
300 EAST LOMBARD STREET
BALTIMORE, MD 21202

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1100 13TH STREET, NW
WASHINGTON, DC 20005-4051

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AUG 20 2008

In re Application of	:	
Chulso **MOON**, et al	:	
Application No. 10/983,578	:	DECISION ON PETITION
Filed: November 9, 2004	:	TO WITHDRAW
Attorney Docket No. 006586.00007	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) filed July 7, 2008.

The request is **NOT APPROVED**.

A review of the file record indicates that Lisa M. Hemmendinger does not have power of attorney in this patent application. See 37 C.F.R. § 10.40. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

The attorneys of record were not appointed by Customer No. 22907.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified by the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: ANNE M. DERRICK
CANGEN BIOTECHNOLOGIES, INC.
300 EAST LOMBARD STREET
BALTIMORE, MD 21202

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STANLEY P. FISHER
REED SMITH LLP
SUITE 1400
3110 FAIRVIEW PARK DRIVE
FALLS CHURCH VA 22042-4503

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FEB 28 2005

OFFICE OF PETITIONS

In re Application of	:
Kumagai et al.	:
Application No. 10/983,582	: DECISION DISMISSING
Filed: 9 November, 2004	: PETITION
Atty Docket No. HITA.0634	:

This is a decision in reference to the petition filed on 9 February, 2005, which is treated as a petition under 37 CFR 1.53 requesting that the above-identified application be accorded a filing date of 9 November, 2004, with Figures 13-17 of the specification as a part of the original disclosure.

On 9 November, 2004, the application was filed.

On 27 January, 2005, the Office of Initial Patent Examination (OIPE) mailed a Notice of Omitted Item(s) in a Nonprovisional Application stating that the application had been accorded a filing date of 9 November, 2004, but that Figures 13-17 described in the specification appeared to have been omitted from the application.

In response, on 9 February, 2005, the present petition was filed, accompanied by 16 sheets of drawings. Petitioners apparently concede that Figures 13-17 were omitted from the drawings, but state that the omitted figures were included in a foreign priority document which was incorporated by reference in the specification as filed.

The petition is dismissed.

The mailing of a "Notice of Omitted Items" permits the applicant to either: (1) promptly establish prior receipt in the PTO of the drawing(s) at issue (generally by way of a date-stamped postcard receipt (MPEP 503)), or (2) promptly submit the omitted

drawing(s) in a nonprovisional application and accept the date of such submission as the application filing date. An applicant asserting that the missing drawings were in fact deposited in the PTO with the application papers must file a petition (and the appropriate petition fee) with evidence of such deposit. An applicant desiring to submit the omitted drawings in a nonprovisional application and accept the date of such submission as the application filing date must file any omitted drawing(s) with an oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such drawing(s) and a petition under 37 CFR 1.182 (with the petition fee under 37 CFR 1.17(h)) requesting the later filing date within two months of the date of the "Notice of Omitted Items" (37 CFR 1.181(f)).

In this case, however, petitioners neither assert that the missing page of specification was deposited on 9 November, 2004, nor request the 9 February, 2005 (the date the drawing was supplied), filing date.

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)

Obviously, in view of the incorporation by reference of the prior application, Figures 13-17 of the specification are not new matter if they were a part of the disclosure of the prior application.

Petitioner should file Figures 13-17 as a preliminary amendment. If Pages 13-17 are filed as a preliminary amendment, it will be reviewed by the examiner for new matter.

The application will be processed using only the application papers present on filing. The 16 sheets of drawings filed with the present petition will not be processed for examination, but will be retained in the application file.

As this petition was necessitated by applicants' filing error rather than an error on the part of the Office, the petition fee will not be refunded. Petitioners should note that the fee for a petition under 37 CFR 1.53 or 1.182 is now $400.00. The balance of the petition fee due will be charged to counsel's deposit account, No. 08-1480, as authorized in the present petition.

The application is being returned to Initial Patent Examination Division for further processing with a filing date of 9 November, 2004, using only the application papers filed on that date.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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STANZIONE & KIM, LLP
919 18TH STREET, N.W.
SUITE 440
WASHINGTON DC 20006

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JUL 1 8 2007

OFFICE OF PETITIONS

In re Application of	:	
Sang-ik Kim	:	
Application No. 10/983,614	:	DECISION ON PETITION
Filed: November 9, 2004	:	
Attorney Docket No. 104-1029	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 27, 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 and to submit corrected formal drawings on or before December 7, 2006, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed September 7, 2006. Accordingly, the date of abandonment of this application is December 8, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1,400.00, the publication fee of $300.00, and corrected formal drawings , (2) the petition fee of $1,500.00; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Christopher Bottorff at (571) 272-6052 or in is absence, the undersigned at (571) 272-7099.

This application is being referred to Publishing Division for processing into a patent.

David Bucel
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: —

DATE : 2/27/08

TO SPE OF : ART UNIT 3781

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/983623 Patent No: 7216763 B2

A response is requested with respect to a request for a certificate of correction.

With respect to the change(s) requested to correct Office and/or Applicant's errors, should the patent read as shown in the certificate of correction attached herewith or the COCIN document(s), in IFW images for the above-identified patented application? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

If the response is for an IFW, within 7 days, please complete and forward the response, to the employee (named below) via scanning into application images, using document code **COCX**.

If the response is for a paper file wrapper, please complete the response and forward the response with the paper file wrapper, to the employee (named below), within 7 days, to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

VIRGINIA TOLBERT
Certificates of Correction Branch
703-308-9390 ext. 113

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☒ **Approved** — All changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: _____

SPE

3781
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

Technology Center 3700.

DEC 18 2006

Avrahaum G. Segol
588 West End Ave., Apt. 15A
New York, NY 10024

In re Application of	:
SEGOL	:
Serial No.10/983,625	: Decision on
Filed November 9, 2004	: Petition
For: Interchangeable Head Coverings	:

A Notice of Abandonment for the above-identified application was mailed October 23, 2006. Applicant faxed, on October 26, 2006, a copy of a response previously faxed April 7, 2006, which will be treated as a petition to Withdraw the Holding of Abandonment under 37 CFR 1.181. Upon review of the fax received October 26, 2006, there is substantial evidence that applicant faxed a copy of his response to the USPTO on April 7, 2006. However, this faxed response never was placed in the file and the application subsequently became abandoned. This failure to properly enter the timely filed amendment is a Patent Office error.

In view of the above, the Notice of Abandonment mailed October 23, 2006 is in error. The petition to withdraw the holding of abandonment is **Granted**. This application is being forwarded to the examiner for appropriate action.

Karen M. Young

Karen M. Young, Director
Technology Center 3700
Phone: (571) 272-3750

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/983,625	11/09/2004	Avrahaum G. Segol	2938/7	2671

7590 04/09/2010

AVRAHAUM G. SEGOL
Apt. 15A
588 WEST END AVENUE
NEW YORK, NY 10024

EXAMINER
CLINE, SALLY COLSON

ART UNIT	PAPER NUMBER
3765	

MAIL DATE	DELIVERY MODE
04/09/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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AVRAHAUM G. SEGOL
Apt. 15A
588 WEST END AVENUE
NEW YORK NY 10024

In re Application of: SEGOL, AVRAHAUM G. Serial No.: 10/983,625 Filed: Nov. 9, 2004 Docket: 2938/7 Title: INTERCHANGEABLE HEAD COVERINGS	Decision on Petition

This is a decision on the request filed March 23, 2010 requesting the holding of abandonment mailed February 25, 2010 be withdrawn.

The request is granted.

The application was held abandoned for failure to timely and properly reply to the Office action mailed April 22, 2009. A review of the record shows a response was indeed filed on September 8, 2009. In response, an Office action mailed January 15, 2010 was sent but returned by the US Post Office for some unknown reasons.

Under the circumstances, the notice of abandonment mailed on February 25, 2010 is vacated. The holding of abandonment is withdrawn. A new Office action will be mailed in due course.

Any inquiry regarding this decision should be directed to Henry Yuen, Special Programs Examiner, at (571) 272-4856.

PETITION GRANTED

Karen M. Young

Karen Young, Director
Technology Center 3700

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 2/23/09

TO SPE OF : ART UNIT 2419

SUBJECT : Request for Certificate of Correction for Appl. No.: 10983627 Patent No.: 7480249 B2

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580
You can fax the 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.

DH ☑ **Approved** — **All** changes apply.

☐ **Approved in Part** — Specify below which changes **do not** apply.

☐ **Denied** — State the reasons for denial below.

Comments: _____

SPE 2419

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

SPE **Art Unit**

apparent to those skilled in the computer art. Appropriate software coding can readily be prepared by skilled programmers based on the teachings of the present disclosure, as will be apparent to those skilled in the software art. The invention may also be implemented by the preparation of application specific integrated circuits or by interconnecting an appropriate network of conventional component circuit, as will be readily apparent to those skilled in the art.

The present invention also includes a computer program product which is a storage medium including instructions which can be used to program a computer to perform a process of the invention. The storage medium can include, but is not limited to, any type of disk including floppy disks, optical disks, CD-ROMs, and magneto-optical disks, ROMs, RAMs, EPROMs, EEPROMs, magnetic or optical cards, or any type of media suitable for storing electronic instructions.

The above described system may used with conventional machines including conventional business office machines using add-on equipment constructed in accordance with the present teachings and installed in or outside of the machine.

Obviously, numerous modifications and variations of the present invention are possible in light of the above teachings. It is therefore to be understood that within the scope of the appended claims, the invention may be practiced otherwise than as specifically described herein.

What is claimed as new and desired to be secured by Letters Patent of the United States is:

1. A method for communicating between a monitored device and a monitoring device, comprising:

determining information to be transmitted by the monitoring device to the monitored device, the monitored device being one of a printer, a scanner, and a copier, the information including a request for at least one of static data, semi-static data, and dynamic data of the monitored device; and

transmitting the information through electronic mail from the monitoring device to the monitored device using an Internet e-mail protocol,

wherein the static data represents characteristics of the monitored device that do not change over a life of the monitored device, the semi-static data represents characteristics of the monitored device that infrequently change over the life of the monitored device, and the dynamic data represents characteristics of the monitored device that change according to at least one of a mechanical and an electrical state of the monitored device,

the method further including

analyzing the at least one of the static data, the semi-static data, and the dynamic data by the monitored device, wherein the at least one of the static data, the semi-static data, and the dynamic data is transmitted in the Internet electronic mail message from the monitored device when the at least one of the static data, the semi-static data, and the dynamic data is analyzed and determined to be within a standard operating range.

2. The method according to claim **1**, wherein said step of transmitting comprises:

transmitting the information through an Internet electronic mail message over the Internet from the monitoring device to the monitored device.

3. The method according to claim **1**, wherein the static data includes one of a model number, a serial number, and model characteristics of the monitored device.

4. The method according to claim **1**, wherein the semi-static data includes an option configuration of the monitored device.

5. The method according to claim **1**, wherein the dynamic data includes one of a status of paper in a paper tray, a number of prints, paper locations, and a sensitivity of a photoreceptor of the monitored device.

6. A method according to claim **1**, further comprising:

receiving the transmitted information by the monitored device; and

transmitting, through the Internet, an Internet electronic mail message from the monitored device to the monitoring device containing at least one of the static data, the semi-static data, and the dynamic data of the monitored device, in response to the transmitted information from the monitoring device.

7. A method for communicating between a machine and a monitoring device, comprising:

determining at least one of static data, semi-static data, and dynamic data of the machine; and

transmitting an electronic mail message using an Internet e-mail protocol from the machine to the monitoring device containing at least one of the static data, the semi-static data, and the dynamic data, the machine being one of a printer, a scanner, and a copier,

wherein the static data represents characteristics of the monitored device that do not change over a life of the monitored device, the semi-static data represents characteristics of the monitored device that infrequently change over the life of the monitored device, and the dynamic data represents characteristics of the monitored device that change according to at least one of a mechanical and an electrical state of the monitored device,

the method further including

analyzing the at least one of the static data, the semi-static data, and the dynamic data by the machine,

wherein the at least one of the static data, the semi-static data, and the dynamic data is transmitted in the Internet electronic mail message from the machine when the at least one of the static data, the semi-static data, and the dynamic data is analyzed and determined to be within a standard operating range.

8. The method according to claim **7**, wherein the static data includes one of a model number, a serial number, and model characteristics of the monitored device.

9. The method according to claim **7**, wherein the semi-static data includes an option configuration of the monitored device.

10. The method according to claim **7**, wherein the dynamic data includes one of a status of paper in a paper tray, a number of prints, paper locations, and a sensitivity of a photoreceptor of the monitored device.

11. A system for communicating between a monitored device and a monitoring device, comprising:

means for determining information to be transmitted by the monitoring device to the monitored device, the monitored device being selected from the group consisting of a printer, a scanner, and a copier, the information including a request for at least one of static data, semi-static data, and dynamic data of the monitored device; and

a transmitter of the monitoring device configured to transmit the information through electronic mail from the monitoring device to the monitored device using an Internet e-mail protocol,

wherein the static data represents characteristics of the monitored device that do not change over a life of the monitored device, the semi-static data represents characteristics of the monitored device that infrequently change over the life of the monitored device, and the

dynamic data represents characteristics of the monitored device that change according to at least one of a mechanical and an electrical state of the monitored device,

the system further including

means for analyzing the at least one of static data, semi-static data, and dynamic data by the monitored device, wherein the at least one of static data, semi-static data, and dynamic data is transmitted using the transmitter of the monitored device when the at least one of static data, semi-static data, and dynamic data is analyzed and determined to be within a standard operating range.

12. The system according to claim **11**, wherein the means for determining comprises means for determining a request for static data including one of a model number, a serial number, and model characteristics of the monitored device.

13. The method according to claim **11**, wherein the means for determining comprises means for determining a request for semi-static data including an option configuration of the monitored device.

14. The system according to claim **11**, wherein the means for determining comprises means for determining a request for dynamic data including one of a status of paper in a paper tray, a number of prints, paper locations, and a sensitivity of a photoreceptor of the monitored device.

15. A system for communicating between a machine and a monitoring device, comprising:

means for determining at least one of static data, semi-static data, and dynamic data of the machine to be transmitted to the monitoring device, the machine being selected from the group consisting of a printer, a scanner, and a copier; and

a transmitter of the machine configured to transmit the at least one of static data, semi-static data, and dynamic data using an electronic mail message from the machine to the monitoring device using an Internet e-mail protocol,

wherein the static data represents characteristics of the monitored device that do not change over a life of the monitored device, the semi-static data represents characteristics of the monitored device that infrequently change over the life of the monitored device, and the dynamic data represents characteristics of the monitored device that change according to at least one of a mechanical and an electrical state of the monitored device,

the system further including

means for analyzing the at least one of static data, semi-static data, and dynamic data by the machine,

wherein the at least one of static data, semi-static data, and dynamic data is transmitted using the transmitter of the machine when the at least one of static data, semi-static data, and dynamic data is analyzed and determined to be within a standard operating range.

16. The system according to claim **15**, wherein the means for determining comprises means for determining a request for static data including one of a model number, a serial number, and model characteristics of the monitored device.

17. The system according to claim **15**, wherein the means for determining comprises means for determining a request for semi-static data including an option configuration of the monitored device.

18. The system according to claim **15**, wherein the means for determining comprises means for determining a request for dynamic data including one of a status of paper in a paper tray, a number of prints, paper locations, and a sensitivity of a photoreceptor of the monitored device.

* * * * *

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO. : 7,480,249

DATED: January 20, 2009

INVENTOR(S): Tetsuro MOTOYAMA

It is certified that an error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 14, lines 14, 17, 19, 21, 34, and 37 change "machine" to --monitored device--
Column 15, lines 27, 31, 34 change "machine" to --monitored device--
Column 16, lines 1, 15, and 18 change "machine" to --monitored device--

Mailing address of sender:

Customer Number
22850

Tel (703) 413-3000
Fax (703) 413-2220
(OSMMN 03/02)

Patent No. 7,480,249

No. of add'l copies
@ .30 per page

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO. : 7,480,249

DATED: January 20, 2009

INVENTOR(S): Tetsuro MOTOYAMA

It is certified that an error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 14, lines 14, 17, 19, 21, 34, and 37 change "machine" to --monitored device--
Column 15, lines 27, 31, 34 change "machine" to --monitored device--
Column 16, lines 1, 15, and 18 change "machine" to --monitored device--

Mailing address of sender:

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Tel (703) 413-3000
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Patent No. 7,480,249

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FOLEY AND LARDNER LLP
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3000 K STREET NW
WASHINGTON DC 20007

Paper No.

MAILED

JUN 22 2009

OFFICE OF PETITIONS

In re Patent No. 7,432,903	:	
Noriyuki Takuwa	:	DECISION DISMISSING
Application No. 10/983650	:	REQUEST FOR
Issue Date: October 7, 2008	:	RECONSIDERATION OF
Filed: November 9, 2004	:	PATENT TERM ADJUSTMENT
Attorney Docket No.	:	UNDER 37 CFR 1.705
067123-0202	:	

This is in response to the REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 CFR §1.705, filed December 4, 2008. Applicant requests that the determination of patent term adjustment be corrected from six hundred sixty (660) days to nine hundred fifty-nine (959) days.

The request for reconsideration of patent term adjustment is **DISMISSED**.

On October 7, 2008, the above-identified application matured into U.S. Patent No. 7,432,903 with a patent term adjustment of 660 days. This request for reconsideration of patent term adjustment was timely filed within two months of the issue date of the patent. See 37 CFR 1.705(d).

Patentees request recalculation of the patent term adjustment based on the decision in Wyeth v. Dudas, 580 F. Supp. 2d 138, 88 U.S.P.Q. 2d 1538 (D.D.C. 2008). Patentees assert that pursuant to Wyeth, a PTO delay under 35 U.S.C. 154(b)(1)(A) overlaps with a delay under 35 U.S.C. 154(b)(1)(B) only if the delays occur on the same day. Patentees maintain that the period of adjustment due to the Three Year Delay by the Office, pursuant to 37 CFR

1.703(b), of 299[1] days and the period of adjustment due to examination delay, pursuant to 37 CFR 1.702(a), of 703 days do not overlap as these periods do not occur on the same day.

The 299-day (which is properly 333-day) period is calculated based on the application having been filed under 35 U.S.C. 111(a) on November 9, 2004, and the patent having been issued on October 21, 2008, three years and 333 days later. Patentees assert that in addition to this 333-day period, they are entitled to a period of adjustment due to examination delay pursuant to 37 CFR 1.702(a) totalling 703 days. This 703-day period is the period of delay for the failure by the Office to mail at least one of a notification under 35 U.S.C. 132 not later than fourteen months after the date on which application was filed under 35 U.S.C. 111(a), pursuant to 37 CFR 1.702(a)(1). A non-final Office action was mailed on December 13, 2007, 14 months and 703 days after the application was filed on November 9, 2004.

Under 37 CFR 1.703(f), patentees are entitled to a period of patent term adjustment equal to the period of delays based on the grounds set forth in 37 CFR 1.702 reduced by the period of time equal to the period of time during which patentees failed to engage in reasonable efforts to conclude prosecution pursuant to 37 CFR 1.704. In other words, patentees are entitled to the period of Office delay reduced by the period of applicant delay. Patentees do not dispute the period of reduction of 43 days for applicant delay.

Patentees do not dispute that the total period of Office delay is the sum of the period of Three Years Delay (333 days) and the period of Examination Delay (703 days) to the extent that these periods of delay are not overlapping. However, in effect, patentees contend that no portion of the Three Year Delay period overlaps with the period of examination delay. Accordingly, patentees submit that the total period of adjustment for Office delay is 959 days, which is the sum of the period of Three Year Delay (333 days) and the period of Examination Delay (703 days), reduced by the period of overlap (0 days). As such, patentees

---

[1] The correct period of adjustment under 37 CFR 1.703(b), from the day after the date that is three years after filing the application (November 10, 2007) and ending on the date that the patent issued (October 7, 2008), is an additional 34 days, or 333 days.

Applicant states that "the patent is entitled to 959 days of PTA, as shown on the attached sheet…." Petition at p.2. However, no attached sheet showing a PTA calculation has been filed with the present petition.

assert entitlement to a patent term adjustment of 993[2] days (333 + 703 reduced by 0 overlap - 43 (applicant delay)).

The Office agrees that as of the issuance of the patent on October 7, 2008, the application was pending three years and 333 days after its filing date. The Office agrees that the action detailed above was not taken within the specified time frame, and thus, the entry of a period of adjustment of 703 days is correct. At issue is whether patentees should accrue 333 days of patent term adjustment for the Office taking in excess of three years to issue the patent, as well as 703 days for Office failure to take a certain action within a specified time frame (or examination delay).

The Office contends that 333 days overlap. Patentees' calculation of the period of overlap is inconsistent with the Office's interpretation of this provision. 35 U.S.C. 154(b)(2)(A) limits the adjustment of patent term, as follows:

> to the extent that the periods of delay attributable to grounds specified in paragraph (1) overlap, the period of any adjustment granted under this subsection shall not exceed the actual number of days the issuance of the patent was delayed.

Likewise, 35 CFR 1.703(f) provides that:

> To the extent that periods of delay attributable to the grounds specified in § 1.702 overlap, the period of adjustment granted under this section shall not exceed the actual number of days the issuance of the patent was delayed.

As explained in *Explanation of 37 CFR 1.703(f) and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A)*, 69 Fed. Reg. 34283 (June 21, 2004), the Office interprets 35 U.S.C. 154(b)(2)(A) as permitting either patent term adjustment under 35 U.S.C. 154(b)(1)(A)(i)-(iv), or patent term adjustment under 35 U.S.C. 154(b)(1)(B), but not as permitting patent term adjustment under both 35 U.S.C. 154(b)(1)(A)(i)-(iv) and 154(b)(1)(B). Accordingly, the Office implements the overlap provision as follows:

---

[2] Patentee has calculated the PTA at 959 days; a difference of 34 days as noted previously.

> If an application is entitled to an adjustment under 35 U.S.C. 154(b)(1)(B), the entire period during which the application was pending (except for periods excluded under 35 U.S.C. 154(b)(1)(B)(i)-(iii)), and not just the period beginning three years after the actual filing date of the application, is the period of delay under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay overlap under 35 U.S.C. 154(b)(2)(A). Thus, any days of delay for Office issuance of the patent more than 3 years after the filing date of the application, which overlap with the days of patent term adjustment accorded prior to the issuance of the patent will not result in any additional patent term adjustment. See 35 U.S.C. 154(b)(1)(B), 35 U.S.C. 154(b)(2)(A), and 37 CFR § 1.703(f). See *Changes to Implement Patent Term Adjustment Under Twenty Year Term; Final Rule*, 65 Fed. Reg. 56366 (Sept. 18, 2000). See also *Revision of Patent Term Extension and Patent Term Adjustment Provisions; Final Rule*, 69 Fed. Reg. 21704 (April 22, 2004), 1282 Off. Gaz. Pat. Office 100 (May 18, 2004). See also *Explanation of 37 CFR 1.703(f) and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A)*, 69 Fed. Reg. 34283 (June 21, 2004).

The current wording of § 1.703(f) was revised in response to the misinterpretation of this provision by a number of Patentees. The rule was slightly revised to more closely track the corresponding language of 35 U.S.C. 154(b)(2)(A). The relevant portion differs only to the extent that the statute refers back to provisions of the statute whereas the rule refers back to sections of the rule. This was not a substantive change to the rule nor did it reflect a change of the Office's interpretation of 35 U.S.C. 154(b)(2)(A). As stated in the *Explanation of 37 CFR 1.703(f) and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A)*, the Office has consistently taken the position that if an application is entitled to an adjustment under the three-year pendency provision of 35 U.S.C. 154(b)(1)(B), the entire period during which the application was pending before the Office (except for periods excluded under 35 U.S.C. 154(b)(1)(B)(i)-(iii)), and not just the period beginning three years after the actual filing date of the application, is the relevant period under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay "overlap" under 35 U.S.C. 154(b)(2)(A).

This interpretation is consistent with the statute. Taken together the statute and rule provide that to the extent that periods of delay attributable to grounds specified in 35 U.S.C. 154(b)(1) and in corresponding § 1.702 overlap, the period of adjustment granted shall not exceed the actual number of days the issuance of the patent was delayed. The grounds specified in these sections cover the A) guarantee of prompt Patent and Trademark Office responses, B) guarantee of no more than 3-year application pendency, and C) guarantee or adjustments for delays due to interference, secrecy orders and appeals. A section by section analysis of 35 U.S.C. 154(b)(2)(A) specifically provides that:

> Section 4402 imposes limitations on restoration of term. In general, pursuant to [35 U.S.C.] 154(b)(2)(A)-(C), total adjustments granted for restorations under [35 U.S.C. 154](b)(1) are reduced as follows: (1) To the extent that there are multiple grounds for extending the term of a patent that may exist simultaneously (e.g., delay due to a secrecy order under [35 U.S.C.] 181 and administrative delay under [35 U.S.C.] 154(b)(1)(A)), the term should not be extended for each ground of delay but only for the actual number of days that the issuance of a patent was delayed; See 145 Cong. Rec. S14,718[3]

As such, the period for over three-year pendency does not overlap only to the extent that the actual dates in the period beginning three years after the date on which the application was filed overlap with the actual dates in the periods for failure of the Office to take action within specified time frames. In other words, consideration of the overlap does not begin three years after the filing date of the application.

In this instance, the relevant period under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay "overlap" under 35 U.S.C. 154(b)(2)(A) is the entire period during which the application was pending before the Office, November 9, 2004, to the date the patent issued on October 7, 2008. Prior to the issuance of the patent, 703 days of patent term adjustment were accorded for the Office failing to respond within a specified

---

[3] The AIPA is title IV of the Intellectual Property and Communications Omnibus Reform Act of 1999 (S. 1948), which was incorporated and enacted as law as part of Pub. L. 106-113. The Conference Report for H.R. 3194, 106th Cong. 1st Sess. (1999), which resulted in Pub. L. 106-113, does not contain any discussion (other than the incorporated language) of S. 1948. A section-by-section analysis of S. 1948, however, was printed in the Congressional Record at the request of Senator Lott, See 145 Cong. Rec. S14,708-26 (1999)(daily ed. Nov. 17, 1999).

time frame during the pendency of the application. All of the 333 days for Office delay in issuing the patent overlap with the 703 days of Office delay. During that time, the issuance of the patent was delayed by 703 days, not 703 + 333 days. The Office took 14 months and 703 days to issue a first Office action. Otherwise, the Office took all actions set forth in 37 CFR 1.702(a) within the prescribed timeframes. Nonetheless, given the initial 703 days of Office delay and the 43 days of applicant delay and the time allowed within the time frames for processing and examination, the application issued three years and 333 days after its filing date. The Office did not delay 703 days and then an additional 333 days. Accordingly, 703 days of patent term adjustment (not 703 and 333 days) was properly entered because the period of delay of 333 days attributable to the delay in the issuance of the patent overlaps with the adjustment of 703 days attributable to grounds specified in § 1.702(a)(1). Entry of both periods is not warranted. Thus, 703 days is determined to be the actual number of days that the issuance of the patent was delayed, considering the 333 days for the Office taking in excess of three years to issue the patent.

Accordingly, at issuance, the Office properly entered no additional days of patent term adjustment considering the 333 days for the Office taking in excess of three years to issue the patent.

In view thereof, no adjustment to the patent term will be made.

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

Telephone inquiries specific to this matter should be directed to Attorney Derek Woods, at (571) 272-3232.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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Mailed: 1-3-06

In re application of	:	
Geoffrey W. Coats et al.	:	DECISION ON
Serial No. 10/983,680	:	PETITION
Filed: November 9, 2004		:
For: ETHYLENE $C_4 - C_{20}$ ALKENE COPOLYMERS		

This is a decision on the PETITION UNDER 37 CFR 1.181 TO WITHDRAW THE FINALITY OF THE OFFICE ACTION mailed August 5, 2005.

The instant petition was filed on October 17, 2005. In the petition, it is urged that the final office action mailed August 5, 2005 was improperly made final.

DECISION

It is noted that a Request for Continued Examination was filed by applicants on December 5, 2005 thereby making the instant petition moot. Accordingly the petition is **DISMISSED.**

JMStone

Jacqueline M. Stone, Director
Technology Center 1700
Chemical and Materials Engineering

BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA VA 22314

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JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
SUITE 600
WASHINGTON, DC 20004

Mail Date: 04/21/2010

Applicant	: James M. Lee	: DECISION ON REQUEST FOR
Patent Number	: 7604659	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/983,742	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/09/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1380** 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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In re Application of
Shunpei Yamazaki, et al.
Application No. 10/983,749
Filed: November 9, 2004
Attorney Docket No.: 12732-120002

ON PETITION

This is a decision on the petition, filed July11, 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 4, 2006, in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance. [1]

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 2818 for further processing of the request for continued examination under 37 CFR 1.114.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1]The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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Date : July 11, 2006

TO : Director, Office of Patent Publication

FROM : Office of the Deputy Commissioner for Patent Examination Policy

SUBJECT : Withdrawal from Issue of

Applicant(s) : Shunpei Yamazaki, et al.
Application No. : 10/983,749
Filed : November 9, 2004

The above-identified application has been assigned Patent No. 7,079,109 and an issue date of July 18, 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 July 18, 2006:

> "All reference to Patent No. 7,079,109 to SHUNPEI YAMAZAKI, ET AL. of JAPAN for LIGHT EMITTING DEVICE, DRIVING METHOD OF LIGHT EMITTING DEVICE AND ELECTRONIC DEVICE appearing in the Official Gazette of July 18, 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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JUN - 6 2005

Thomas D.Smith
7008 Landing Road
Oklahoma City, OK 73132

In re application of	:	**DECISION ON PETITION**
Thomas D. Smith, III	:	**TO MAKE SPECIAL**
Application No. 10/983,750	:	**(APPLICANT'S AGE)**
Filed: November 8, 2004	:	
For: RETICLE FOR TELESCOPIC GUNSIGHT AND METHOD FOR USING		

This is a decision on the petition submitted on November 8, 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 statement signed by Thomas D. Smith and a driver's license indicating that he is at least 65 years of age.

The examiner is directed (1) to make an interference search for possible interfering applications, (2) to promptly examine this application out of turn, and (3) if any interfering application is discovered, to examine such application simultaneously and state in the first official letter of such application that it is being taken out of turn because of a possible interference.

Petitioner is advised that this application will continue to be special, throughout its entire prosecution and pendency, including interference or appeal, if any, only if petitioner makes a prompt ***bona fide*** effort, in response to each Office action, to place the application in condition for allowance, even if it is necessary to conduct an interview with the examiner to accomplish this purpose.

SUMMARY: Petition to Make Special **GRANTED**.

Randolph A. Reese
Special Programs Examiner
Technology Center 3600
571-272-6619

RAR/dcg: 6/1/05

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April 2006

APR 20 2006

Leonid D. Thenor
ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 North Seventeenth Street
Suite 1800
Arlington, VA 22209-9889

In re Application of: NORIHISA FUKAYAMA Serial No.: 10/983,756 Filed: 09 November 2004 Docket: 501.41004CX1 Title: LIQUID CRYSTAL DISPLAY DEVICE	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R 1.102(d) and M.P.E.P. § 708.02(VIII)

This is a decision on the petition filed on 23 March 2006 to make the above-identified application special under the accelerated examination procedure set forth in MPEP § 708.02(VIII) in accordance with 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

In support of the petition, petitioner provides: a) the applicable petition fee; b) a statement that all claims are directed to a single invention, and that any election later required will be made without traverse; c) a statement that a pre-examination search was made, including the search areas; d) a copy of each of the references deemed most closely related to the claimed subject matter; and e) a discussion of the references.

For accelerated examination under MPEP § 708.02(VIII) in accordance with 37 C.F.R. § 1.102(d), a showing of the following is required: a) a petition to make special accompanied by the applicable petition fee; b) all claims are directed to a single invention; c) a statement that a pre-examination search was made, including the search areas; d) a copy of each of the references deemed most closely related to the claimed subject matter; and e) a detailed discussion of the references pointing out with the particularity required by 37 CFR 1.111 (b) and (c), how the claimed subject matter is distinguishable over the references.

The requirements of MPEP § 708.02(VIII)(a)-(d) are considered to have been met. However, petitioner fails to meet the requirements of MPEP § 708.02(VIII)(e) because each reference has not been discussed with the particularity required by 37 CFR 1.111 (b) and (c).

MPEP § 708.02(VIII)(e), 37 CFR § 1.111 (b) states "[a] general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section." 37 CFR § 1.111 (c) states in part "the applicant or patent owner must clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made." The discussion of the references fails to distinguish each independent claim from each reference in a manner satisfying 37 CFR § 1.111 (b) and (c). The references are discussed in detail in section 5(b) and the alleged patentable features of claims 1 and 11 are set forth in section 5(c); however, the specific language of the claims that distinguishes over *each* reference is not clearly pointed out. Each reference must be analyzed for the specific claim language it does or does not teach. General statements that none of the references teaches certain claimed features are insufficient to satisfy the requirements of MPEP § 708.02(VIII)(e).

While Technology Center Directors may have granted petitions that do not comply with the detailed discussion requirement of the Accelerated Examination procedure, Technology Center Director decisions on petitions are not binding precedent of the Patent Examining Corps, and the application of an improper standard in certain cases does not require the Office to continue to apply the improper standard in all cases. *See In re The Boulevard Entertainment, Inc.*, 334 F.3d 1336, 1343, 67 USPQ2d 1475, 1480 (Fed. Cir. 2003)).

For the above-mentioned reasons, the petition is dismissed. The application will therefore be taken up by the examiner for action in its regular turn.

Any request for reconsideration of this decision must be submitted within 2 (two) months of the date of this decision in order to be considered timely. Any request for reconsideration must include a detailed discussion of each reference that clearly points out the specific language in each independent claim that distinguishes over the reference.

Any inquiry regarding this decision should be directed to Hien H. Phan, Special Program Examiner, at (571) 272-1606.

Hien H. Phan, Special Program Examiner
Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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062006

Leonid D. Thenor
ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 North Seventeenth Street
Suite 1800
Arlington, VA 22209-9889

JUN 28 2006

In re Application of: NORIHISA FUKAYAMA Serial No.: 10/983,756 Filed: 09 November 2004 Docket: 501.41004CX1 Title: LIQUID CRYSTAL DISPLAY DEVICE	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R 1.102(d) and M.P.E.P. § 708.02(VIII)

This is a decision on the renewed petition filed on June 6, 2006, to make the above-identified application special under the accelerated examination procedure set forth in MPEP § 708.02(VIII) and in accordance with 37 C.F.R. § 1.102(d).

The petition is GRANTED.

The renewed petition requests that the above-identified application be made special under the accelerated examination procedure set forth in the Manual of Patent Examining Procedure (M.P.E.P.), Section 708.02, Item VIII: Accelerated Examination.

The petition complies with M.P.E.P. § 708.02, Item VIII: Accelerated Examination, in that it is accompanied by (a) a petition fee of $130.00, (b) a statement that all claims are directed a single invention and an offer to make an oral election without traverse should the Patent and Trademark Office hold that the claims are not directed to a single invention, (c) a statement that a pre-examination search has been made by the inventor, attorney, agent, or professional searchers, etc., the field of search was also provided, (d) one copy of each of the references deemed most closely related to the subject matter encompassed by the claims, and (e) a detailed description of the submitted references and discussions pointing out how the claimed subject matter distinguishes over these references.

For the above stated reasons, the petition is granted.

The application file is being forwarded to the examiner for expedited prosecution.

If the examiner can make this application special without prejudice to any possible interfering applications, and he/she should make a rigid search for such, he/she is authorized to do so for the next action. Should the application be rejected, the application will not be considered special for the subsequent action unless the applicant promptly makes a bona fide effort to place the application in condition for allowance, even if it is necessary to have an interview with the examiner to accomplish this purpose.

If the examiner finds any interfering application for the same subject matter, he/she should consider such application simultaneously with this application and should state in the official letter of such application that he/she is taking it out of its turn because of possible interference.

Should an appeal be taken in this application or should this application becomes involved in an interference, consideration of the appeal and the interference will be expedited by all Patent and Trademark Office officials concerned, contingent likewise upon diligent prosecution by the applicant.

The petition is granted to the extent indicated.

Hien H. Phan, Special Program Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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Squire, Sanders & Dempsey L.L.P.
Oracle International Corporation
8000 Towers Crescent Drive
14th Floor
Vienna, VA 22182

Mail Date: 04/20/2010

Applicant	: Timothy A. Wagner	: DECISION ON REQUEST FOR
Patent Number	: 7614040	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/983,766	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/08/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1297** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

OIPE IAP78
FEB 1 7 2006
PATENT & TRADEMARK OFFICE

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: FRIEDMAN, Mitchell A.

Appln. No.: 10/983,768 Examiner: D. Sorkin

Filed: November 8, 2004 Art Unit: 1723

For: MULTIDIRECTIONAL MIXING OF FLUID SAMPLES

* * * * * * * * * *

PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER MPEP 708.02, IV

Commissioner for Patents
Washington, D.C. 20231

Honorable Commissioner:

1. Petition

Applicant hereby petitions to make this application, which has not yet received any examination by the Examiner, special under MPEP 708.02, IV, and that the application be advanced out of turn for examination.

2. Justification for Petition

Submitted herewith is a declaration of the above-named applicant confirming that the Applicant is over 65 years of age, which declaration was also submitted in the parent application to this case, namely, application no. 10/001,146.

3. Fee

Pursuant to 37 C.F.R. §1.102(c), this petition is submitted without any fee.

Respectfully submitted,

Gregory M. Stone (Reg. No. 43,165)
Attorney for Applicant
WHITEFORD, TAYLOR & PRESTON, L.L.P.
Seven Saint Paul Street
Baltimore, Maryland 21202
Phone: 410-347-9496
Fax: 410-347-9414

1665057

PETITION GRANTED

William Krynski
Special Program Examiner
Technology Center 1700
MAR 1 4 2006

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OFFICE OF PETITIONS

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO IL 60610

In re Patent No. 7,535,457	:
Mutsumoto et al.	:
Issue Date: May 19, 2009	:
Application No. 10/983,783	: DECISION ON REQUEST FOR
Filed: November 8, 2004	: RECONSIDERATION OF
Attorney Dkt. No. 9281-4946	: PATENT TERM ADJUSTMENT
Title: Force-Feedback Input	:
Device	:

This is in response to the "Request For Reconsideration of Patent Term Adjustment" filed July 20, 2009. This petition is properly treated under 37 CFR 1.705(d). Patentees request that the patent term adjustment be changed from 538 days to 830 days.

The request for reconsideration of patent term adjustment is **DISMISSED**.

On May 19, 2009, the above-identified application matured into US Patent No. 7,535,457 with a patent term adjustment of 538 days. This request for reconsideration of patent term adjustment (including authorization to charge the required fee) was timely filed within two months of the issue date of the patent. See 37 CFR 1.705(d).

Patentees request recalculation of the patent term adjustment, as the determination made by the Office may be incorrect. Thus, patentees request that the determination of patent term adjustment be increased from 538 days to 830 days.

Patentees submit that the total period of adjustment for Office delay is 924 days (the sum of the period of three-year delay (292 days) and the period of examination delay (632 days). As such, patentees assert entitlement to a patent term adjustment of 830 days (292 days *plus* 632 days less 94 days of applicant delay).

The Office finds that as of the filing of the request for continued examination (RCE) on August 26, 2008, the application was pending three years and 292 days after its filing date. An entry of a period of adjustment of 632 days was entered for Office delay. Further, a reduction of 94 days for applicants' failure to engage in reasonable efforts to conclude prosecution was taken.

At issue is whether patentees should accrue an additional 292 days of patent term adjustment for the Office taking in excess of three years to issue the patent as well as 632 days for Office failure to take a certain action within a specified time frame (or examination delay).

The Office contends that 292 days overlap. 35 U.S.C. 154(b)(2)(A) limits the adjustment of patent term, as follows:

> To the extent that the periods of delay attributable to grounds specified in paragraph (1) overlap, the period of any adjustment granted under this subsection shall not exceed the actual number of days the issuance of the patent was delayed.

Likewise, 37 CFR 1.703(f) provides that:

> To the extent that periods of delay attributable to the grounds specified in §1.702 overlap, the period of adjustment granted under this section shall not exceed the actual number of days the issuance of the patent was delayed.

As explained in *Explanation of 37 CFR 1.703(f) and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A)*, 69 Fed. Reg. 34283 (June 21, 2004), the Office interprets 35 U.S.C. 154(b)(2)(A) as permitting either patent term adjustment under 35 U.S.C. 154(b)(1)(A)(i)-(iv), or patent term adjustment under 35 U.S.C. 154(b)(1)(B), but not as permitting patent term adjustment under both 35 U.S.C. 154(b)(1)(A)(i)-(iv) and 154(b)(1)(B). Accordingly, the Office implements the overlap provision as follows:

> If an application is entitled to an adjustment under 35 U.S.C. 154(b)(1)(B), the entire period during which the application was pending (except for periods excluded under 35 U.S.C. 154(b)(1)(B)(i)-(iii)), and not just the period

> beginning three years after the actual filing date of the application, is the period of delay under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay overlap under 35 U.S.C. 154(b)(2)(A). Thus, any days of delay for Office issuance of the patent more than 3 years after the filing date of the application, which overlap with the days of patent term adjustment accorded prior to the issuance of the patent will not result in any additional patent term adjustment. See 35 U.S.C. 154(b)(1)(B), 35 U.S.C. 154(b)(2)(A), and 37 CFR § 1.703(f). See *Changes to Implement Patent Term Adjustment Under Twenty Year Term; Final Rule*, 65 Fed. Reg. 54366 (Sept. 18, 2000). See also *Revision of Patent Term Extension and Patent Term Adjustment Provisions; Final Rule*, 69 Fed. Reg. 21704 (April 22, 2004), 1282 Off. Gaz. Pat. Office 100 (May 18, 2004). See also *Explanation of 37 CFR 1.703(f) and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A)*, 69 Fed. Reg. 34283 (June 21, 2004).

As such, the period for over 3 year pendency does not overlap only to the extent that the actual dates in the period beginning three years after the date on which the application was filed overlap with the actual dates in the periods for failure of the Office to take action within specified time frames.

In this instance, the relevant period under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay "overlap" under 35 U.S.C. 154(b)(2)(A) is the filing date November 8, 2004 until the filing of the RCE on August 26, 2008. Prior to the issuance of the patent, 632 days of patent term adjustment were accorded for the Office failing to respond within a specified time frame during the pendency of the application.

The Office did not delay 632 days and then delay an additional 292 days. Accordingly, 632 days of patent term adjustment for Office delay (not 292 days and 632 days) was properly entered because the entire period of delay of 94 days attributable to the delay in the issuance of the patent under 37 CFR 1.702(b) overlaps with the 292 days attributable to grounds specified in § 1.702(a)(1). Further, patentees failed to engage by an uncontested period of 94 days.

In view thereof, no adjustment to the patent term will be made.

The Office acknowledges authorization to charge deposit account no. 23-1925 the $200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

Telephone inquiries specific to this matter should be directed to Charlema Grant, Petitions Attorney, at (571) 272-3215.

Christina Tartera Donnell for

Kery Fries
Senior Legal Advisor Attorney
Office of Patent Legal Administration

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VOLENTINE & WHITT, PLLC
ONE FREEDOM SQUARE
11951 FREEDOM DRIVE, SUITE 1260
RESTON, VA 20190

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JUN 21 2007

OFFICE OF PETITIONS

In re Application of
Kenichi Anasako, et. al.
Application No. 10/983,788
Filed: November 9, 2004
Attorney Docket No. OKI.403D

DECISION ON PETITION
UNDER 37 CFR 1.55(c)

This is a decision on the petition under 37 CFR 1.55(c), filed May 23, 2006, to accept an unintentionally delayed claim under 35 U.S.C. § 119(a)-(d) for the benefit of priority to foreign Japanese Application No. 2001-328692, filed October 26, 2001.

The petition is **GRANTED**.

This pending nonprovisional application was filed after November 29, 2000, and did not include a reference to the foreign application, for which benefit is now sought, within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior foreign application. Since the claim for priority is submitted after the period specified in 37 CFR 1.55(a)(1)(i), this is an appropriate petition under the provisions of 37 CFR 1.55(c).

A petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim for priority requires:

(1) The nonprovisional application claiming the benefit of an earlier filing date must be filed on or after November 29, 2000;

(2) the claim submitted with the petition must identify the prior foreign application for which priority is claimed, as well as any foreign application for the same subject matter and having a filing date before that of the application for which priority is claimed, by the application number, country, and the filing date and be included either in an oath or declaration (37 CFR 1.63(c)(2)) or in an Application Data Sheet (37 CFR 1.76(b)(6);

(3) the surcharge as set forth in 37 CFR 1.17(t);

(4) a statement that the entire delay between the date the claim was due under 37 CFR 1.55(a)(1) and the date the claim was filed was unintentional (the Director

may require additional information where there is a question whether the delay was unintentional); and

(5) the above-identified nonprovisional application must be filed within 12 months of the filing date of the foreign application.

This application was filed on November 9, 2004, which is after November 29, 2000. On May 23, 2006, an executed oath/declaration was received which identifies the foreign application for which priority is claimed by application number, country and filing date. The required petition fee of $1,370 was received with the petition. Lastly, petitioner has provided an adequate statement of unintentional delay.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 119(a)-(d) 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 1.55(c) 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(a)-(d) and 37 CFR 1.55(a)(1) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed 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 this application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed foreign application, accompanies this decision on petition.

This application is being referred to Technology Center Art Unit 2817, for examination in due course and for consideration by the examiner of record of the foreign priority claim under 35 U.S.C. § 119(a)-(d).

Any inquiries directly pertaining to this matter may be directed to Andrea Smith at (571) 272-3226.

Frances Hicks

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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P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	TOT CLMS	IND CLMS
10/983,788	11/09/2004	2817	790	OKI.403D	10	3

CONFIRMATION NO. 2394

CORRECTED FILING RECEIPT

OC000000024473421

20987
VOLENTINE & WHITT PLLC
ONE FREEDOM SQUARE
11951 FREEDOM DRIVE SUITE 1260
RESTON, VA 20190

Date Mailed: 06/21/2007

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Kenichi Anasako, Tokyo, JAPAN;
Yoshiaki Fujita, Kanagawa, JAPAN;
Hisanori Ehara, Tokyo, JAPAN;
Tomokazu Komazaki, Saitama, JAPAN;

Power of Attorney:

Adam Volentine–33289
Raymond Jones–34631

Domestic Priority data as claimed by applicant

This application is a DIV of 10/273,887 10/21/2002 PAT 6,911,878

Foreign Applications

JAPAN 2001-328692 10/26/2001

If Required, Foreign Filing License Granted: 03/17/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/983,788

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

TRANSMITTING FILTER INCLUDING SAW RESONATORS

Preliminary Class

333

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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TECHNOLOGY CENTER 2600

KIRTON AND MCCONKIE
1800 EAGLE GATE TOWER
60 EAST SOUTH TEMPLE
P O BOX 45120
SALT LAKE CITY UT 84145-0120

In re Application of :
BRAZELL, ROBERT, et al. :
Application No. 10/983,789 : DECISION ON PETITION
Filed: November 8, 2004 : TO MAKE SPECIAL
For: **SYSTEMS AND METHODS FOR OPTIMIZING ADVERTISING** :

This is a decision on the petition filed March 7, 2005 under Manual of Patent Examination Procedure §708.02, VIII requesting accelerated examination.

The petition under Manual of Patent Examination Procedure §708.02, VIII, must:
(1) be filed prior to receiving any examination by the examiner,
(2) be accompanied by the required fee- $130,
(3) the claims should be directed to a single invention (if it is determined that the claims pertain to more than one invention, then applicant will have to make an election without traverse or forfeit accelerated examination status),
(4) state that a pre-examination search was made, and fully discuss the search method employed, such as classes and subclasses searched, publications, Chemical abstracts, patents, etc. A search made by a foreign patent office satisfies this requirement,
(5) be accompanied by a copy of each of the references most closely related to the subject matter encompassed by the claims if said references are not already of record,
(6) fully discuss the references, pointing out with the particularity required by 37 C.F.R. §1.111 (b) and (c), how the claimed subject matter is patentable over the references.

The petitioner meets all the above-listed requirements. Accordingly, the petition is **GRANTED**.

The application will retain its special status throughout its entire prosecution, including any appeal to the Board of Patent Appeals and Interferences, subject only to diligent prosecution by the applicant. The application file is being forwarded to the examiner for appropriate action in due course.

Kenneth A. Wieder
Special Program Examiner
Technology Center 2600
Communications

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FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW CA 94041

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APR 2 7 2007

OFFICE OF PETITIONS

In re Application of	:	
Ralph B. Campbell, et al.	:	
Application No. 10/983,810	:	DECISION ON PETITION
Filed: November 7, 2004	:	TO WITHDRAW
Attorney Docket No. 23368-09614	:	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.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Fenwick & West, 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 undersigned at 571-272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: MICHAEL L. HAWKINS
QLOGIC CORPROATION
28650 ALISO VIEJO PARKWAY
ALISO VIEJO, CA 92656

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/983,810	11/07/2004	Ralph B. Campbell	23368-09614

CONFIRMATION NO. 2094

OC000000023540008

OC000000023540008

758
FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW, CA 94041

Date Mailed: 04/25/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/10/2007.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199
FORMER ATTORNEY/AGENT COPY

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IBM CORPORATION
IPLAW DEPARTMENT
2455 SOUTH ROAD – MS P386
POUGHKEEPSIE, NY 12601

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JAN 24 2008

OFFICE OF PETITIONS

In re Application of :
Ulrich KRAUCH, et al :
Application No. 10/983,819 : ON PETITION
Filed: November 8, 2004 :
Attorney Docket No. DE920030020US1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 6, 2007, to revive the above-identified application.

The petition is **DISMISSED**.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) 1.

The 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 18, 2006. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination (RCE) and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). *See* MPEP 711.03(c)(III)(A)(2). Since the amendment submitted does not *prima facie* place the application in condition for allowance, the reply required must be a Notice of Appeal (and appeal fee), RCE, or the filing of a continuing application under 37 CFR 1.53(b).

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries concerning this decision should be directed to Diane Goodwyn at (571) 272-6735.

April Wise
Petitions Examiner
Office of Petitions

Attachment: Advisory Action

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/983,819	Applicant(s) KRAUCH ET AL.	
	Examiner Suresh Memula	Art Unit 2825	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 06 December 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: *1-10*.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

Suresh Memula
Art Unit 2825
571-272-8046

Continuation of 3. NOTE: Amendments to claim 1 would require additional search.

Continuation of 11. does NOT place the application in condition for allowance because: Amendments to claim 1 would require additional search and further consideration.

Suresh Memula
Art Unit 2825
571-272-8046

PAUL DINH
PRIMARY EXAMINER

Paul Dinh

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FEB 26 2008

In re Application of	:	
Ulrich KRAUCH, et al	:	
Application No. 10/983,819	:	ON PETITION
Filed: November 8, 2004	:	
Attorney Docket No. DE920030020US1	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 6, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of December 18, 2006 . The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is March 18, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $810, and the submission required by 37 CFR 1.114; (2) the petition fee of $1540; and (3) the required statement of unintentional delay have been received.

Telephone inquiries concerning this decision should be directed to Diane Goodwyn at (571) 272-6735.

This application is being referred to Technology Center AU 2825 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.

April Wise
Petitions Examiner
Office of Petitions

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THOMAS D. SMITH III
7008 LANDING RD.
OKLAHOME CITY, OK 73132

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APR 0 4 2007

OFFICE OF PETITIONS

In re Application of :
Thomas D. Smith III :
Application No. 10/983,824 : ON PETITION
Filed: November 8, 2004 :
Attorney Docket No. 4056-007 :

This is a decision on the petition, filed October 18, 2006, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for a failure to reply in a timely manner to the non-final Office action mailed October 21, 2005. A Notice of Abandonment was mailed on August 16, 2006. In response, on October 18, 2006, the present petition was filed, as well as a Request for Continued Examination (RCE) under 37 CFR 1.114, an amendment and a 2-month petition for extension of time.

Continued examination under 37 CFR 1.114 does not apply to an application unless prosecution in the application is closed. Therefore, the RCE filed October 18, 2006 is considered improper. Since the RCE was accompanied by an amendment to the non-final Office action, the reply will be entered and considered under 37 CFR 1.111. The $395 filing fee paid for the improper RCE is refundable upon request.

Extensions of time under 37 CFR 1.136 are available only if asked for prior to or with the response. In no case, however, may an applicant respond later than the maximum time period set by statute. Accordingly, if the question of abandonment arises when the provisions of 37 CFR 1.136 can no longer be used, then the application is abandoned when the unextended time for response has expired. Since, no extension of time fees are due on a petition for revival, petitioner is also entitled to a refund of the $225 extension fees included with this petition.

Any request for refund must included a copy of this decision and be mailed to Mail Stop 16, Director of the U.S. Patent and Trademark Office, P. O. Box 1450, Alexandria, VA 22313-1450 or faxed to the Customer Service Help Desk at (571) 273-6500.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. All other inquiries regarding this application should be directed to the Technology Center.

The application file is being forwarded to Technology Center AU 3641 for consideration of the amendment filed October 18, 2006.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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AUG 0 4 2005

OFFICE OF PETITIONS

In re Application of	:	
Atansoski et al.	:	
Application No. 10/983,834	:	ON PETITION
Filed: November 8, 2004	:	
Attorney Docket No. 04-5646	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed July 21, 2005, to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to submit the issue fee and publication fee in a timely manner in reply to the Notice of Allowance mailed March 23, 2005, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on June 24, 2005.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b).

This matter is being referred to the Publishing Division for processing into a patent.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3282.

Liana Chase
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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JAN 0 5 2006

OFFICE OF PETITIONS

In re Application of	:	
Thomas D. Smith, III	:	
Application No. 10/983,835	:	DECISION ON PETITION
Filed: November 27, 2002	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 4056-001	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 8, 2004, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement from Inventor Thomas D. Smith, III stating that he is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at 571-272-3210.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3641 for action on the merits commensurate with this decision.

Amelia Au
Petitions Examiner
Office of Petitions

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JUL 29 2005

OFFICE OF PETITIONS

GEORGE R. REARDON
3356 STATION COURT
LAWRENCVILLE GA 30044

In re Application of	:	
Bobby Cumbie	:	
Application No. 10/983,843	:	ON PETITION
Filed: November 8, 2004	:	
Attorney Docket No.:03-0046-02	:	
Title of Invention: ATV Trailer	:	
Apparatus	:	

This is a decision on the petition filed May 26, 2005, requesting that figures 11-16 be considered as part of the original disclosure submitted on November 8, 2004.

The application was filed on November 8, 2004. However, on April 13, 2005, the Office of Initial Patent Examination (OIPE) mailed a Notice stating that the application had been accorded a filing date of November 8, 2004 but figures 11-16 as described in the specification appeared to have been omitted. The Notice also required replacement drawings.

In response, the present petition was filed wherein Petitioner contends 30 sheets including figures 11-16 filed on November 8, 2004. In support, the petition is accompanied by a copy of applicant's return postcard which lists 30 sheets of drawings. The petition is further accompanied by a copy of figures 11-16 as described in the specification.

Applicant's postcard receipt is prima facie evidence that 30 sheets of drawings, including figures 11-16 were received on November 8, 2004, but four pages containing figures 11-16 are not present in the file. Hence, it is clear that the papers for this application were mishandled by the Office. Therefore, it is concluded that figures 11-16 were received on November 8, 2004, as shown in counsel's file, and later misplaced in the office.

The petition is Granted. The $400.00 petition fee will be refunded.

Since figures 11-16 as described in the specification cannot be located in the Office, figures 11-16 supplied on May 26, 2005,

will be used for processing and examination purposes.

The application will be returned to the Office of Initial Patent Examination for further processing with a filing date of November 8, 2004, using substitute figures 11-16 supplied on May 26, 2005.

The Office acknowledges receipt of the replacement drawing of figure 38.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3215.

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

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Paper No.

PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK, NJ 08933-7003

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SEP 29 2005

OFFICE OF PETITIONS

In re Application of	:	
Kindt-Larsen et al.	:	DECISION ON PETITION
Application No. 10/983,851	:	
Filed: November 8, 2004	:	
Atty Docket No. VTN0588.1DIV	:	

This is a decision on the "Petition under 37 CFR 1.57(a)(3)," filed May 19, 2005, requesting that the above-referenced application be accorded a filing date of November 8, 2004.

Application papers in the above-identified application were filed on November 8, 2004. However, on March 25, 2005, the Initial Patent Examination Division mailed applicants a "Notice of Incomplete Nonprovisional Application," notifying applicants that the application papers had not been accorded a filing date because the application was deposited without a complete specification including at least one claim as prescribed by 35 USC 112. In addition, the oath or declaration was missing.

In response, applicants timely filed this petition. In which, applicants acknowledge inadvertently omitting a copy of the specification from the parent application on submission of the instant divisional application. Applicants argued, however, that the filing date of November 8, 2004, should still be accorded pursuant to § 1.57(a)(3).

On September 21, 2004, § 1.57 was added to read, in pertinent part that:

> (a) Subject to the conditions and requirements of this paragraph, if all or a portion of the specification or drawing(s) is inadvertently omitted from an application, but the application contains … a claim under 1.78 for the benefit of a prior-filed provisional, nonprovisional or international application, that was present on the filing date of the application, and the inadvertently omitted portion of the specification or drawing(s) is completely contained in the prior-filed application, the claim under … § 1.78 shall also be considered an incorporation by reference of the prior-filed application as to the inadvertently omitted portion of the specification or drawing(s).
>
> (1) The application must be amended to include the inadvertently omitted portion of the specification or drawing(s) within any time period set by the Office, but in no case later than the close of prosecution as defined by § 1.114(b), or abandonment of the application, whichever occurs earlier;
>
> (3) If an application is not otherwise entitled to a filing date under § 1.53(b), the amendment must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in § 1.17(f).

It is noted that the application as filed included a preliminary amendment, with a claim under 1.78 for the benefit of prior-filed application No. 10/367,253. Thus, pursuant to 1.57, the application as filed is considered to have incorporated by reference the prior filed application as to the inadvertently omitted portion of the specification.

The instant petition includes an amendment adding the inadvertently omitted portions of the specification, a copy of the prior-filed application, and an identification of where the inadvertently omitted portions of the specification may be found in the prior-filed application, along with authorization to charge the necessary petition fee.

In view of the incorporation by reference of the prior application, the specification supplied on May 19, 2005, would not constitute new matter if it were a part of the original disclosure of the prior application. Of course, the examiner is expected to compare the specification supplied on May 19, 2005, to the disclosure of prior application No. 10/367,253 in order to verify that it is an accurate copy of the prior specification and that it contains no new matter.

In view thereof, the petition is **GRANTED**.

Receipt of the declaration filed May 23, 2005 is acknowledged.

The application is being forwarded to the Office of Initial Patent Examination (OIPE) for **according of a filing date of November 8, 2004**, as a divisional application under 37 CFR 1.53(b) of prior application No. 10/367,253, including the copy of specification from the prior application supplied on May 19, 2005. Applicants will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OIPE.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior 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
Alexandria, Virginia 22313-1450
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THE FARRELL LAW FIRM, LLP
290 Broadhollow Road
Suite 210E
Melville, NY 11747

Mail Date: 04/21/2010

Applicant	: Sung-Oh Hwang	: DECISION ON REQUEST FOR
Patent Number	: 7616611	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/983,862	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/08/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **767** 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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WILMINGTON, DE 19805

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APR 09 2009

OFFICE OF PETITIONS

In re Application of	:	
Robert James Butera, et. al.	:	
Application No. 10/983,875	:	ON PETITION
Filed: November 8, 2004	:	
Attorney Docket No. FA1234USNA	:	

This is a decision on the petition under 37 CFR 1.137(b), filed March 3, 2009, to revive the above-identified application.

The application became abandoned for failure to file a proper reply to the Restriction/Election Requirement mailed August 27, 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 election; (2) the petition fee of $1,620; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

This application file is being referred to Technology Center Art Unit 1792 for appropriate action by the Examiner in the normal course of business on the response filed with the present petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

MAR 3 0 2009

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

J. D. Evans
CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON DC 20044-4300

In re Application of	:
Messinger et al	:Decision on Petition
Serial No.: 10/983,887	:
Filed : 9 November 2004	:
Attorney Docket No.:029300.5293US	:

This letter is in response to the Petition under 37 C.F.R. 1.144 filed on 18 March 2009 requesting reconsideration of the restriction requirement dated 11 September 2008.

BACKGROUND

This application was filed as a national application under 35 USC 111(a). As such, this application is entitled to US restriction practice.

On 10 January 2008, the examiner required a restriction between Groups I, claims 1-32 drawn to compound of Formula I and Group II, claim 2, drawn to a method of treatment using the compound of Formula I. The examiner reasoned that the process of Group II could be practiced by a materially different product.

On 15 February 2008, applicants elected Group I, with traverse, stating that the method of use claims require the product of Group I.

On 5 November 2008, the examiner considered the traversal and made the restriction requirement FINAL. Claims 6, 9-12, 14-30 and 33-47 were withdrawn from consideration as being directed to the non-elected invention. Claims 3 and 31 were rejected under 35 USC 112, 2nd. Claims 1-5, 7, 8 and 32 were rejected under 35 U.S.C. 102(b) in view of Laskin. Claim 13 was objected to for being dependent upon a rejected base claim.

On 18 March 2009, applicants filed a response to the Office action and this petition.

DISCUSSION

The file history and petition have been considered carefully.

The examiner has required restriction between product and process of use by providing an alternative product citing US Patent Nos 4,656,186, 5,393,785 and 7,435,739.

The petition argues that the inventions of Group I and II are not distinct because the process of Group II requires the product of Group I. This argument is persuasive. Claim 33 is set forth below. It depends from and requires all the limitations of Claim 1 of Group I. Claim 33 does not encompass methods of using other materially different compounds.

> **33. A method of treating or inhibiting a steroid hormone dependent disease or disorder in a mammal, said method comprising administering to said mammal a pharmaceutically effective amount of a compound according to claim 1.**

MPEP 806.05(h) sets forth the following guidance for distinction between products and process of use:

> A product and a process of using the product can be shown to be distinct inventions if either or both of the following can be shown: (A) the process of using as claimed can be practiced with another materially different product; or (B) the product as claimed can be used in a materially different process. The burden is on the examiner to provide an example, but the example need not be documented.
>
> If the applicant either proves or provides a convincing argument that the alternative use suggested by the examiner cannot be accomplished, the burden is on the examiner to support a viable alternative use or withdraw the requirement.

In this case, distinction between Groups I and II can be established by using the product in a materially different method, namely, as a control in *in vitro* drug discovery assays which are materially different from the treatment methods of Group II.

The product of Group I is disclosed as a selective steroid inhibitor. These inhibitors are very valuable research tools in drug discovery as a control. See Delescluse et al. (attached) which discloses an in vitro competition assays for selective ligands (agonists), in which various selective agonists are used as controls. See Table 2. See also Tremblay and Poirier (1998, J. Steroid Biochem. Molec. Biol. 66(4): 179-191), of record in '887, which discloses various in vitro assays using known selective inhibitors, and testing newly developed ones alongside them. These alternative methods are materially different from the treatment methods of Group II. Thus Group I is distinct from Group II.

DECISION

For these reasons, the petition filed under 37 CFR 1.144 on 18 March 2009 is **DENIED**.

The restriction requirement made between Group I and II has been maintained.

Applicants remain under obligation to file a timely response to the Office action mailed 5 November 2008.

Any request for reconsideration should be filed with two (2) months of the mail date of this decision.

Should there be any questions regarding this decision, please contact Quality Assurance Specialist Julie Burke, by mail addressed to Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at (571) 272-0512 or by Official Fax at 703-272-8300.

Andrew Wang
(Acting) Director, Technology Center 1600

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AUG 18 2006

OFFICE OF PETITIONS

In re Application of	:	
Carine Paumier et al	:	
Application No. 10/983,905	:	DECISION ON PETITION
Filed: November 09, 2004	:	TO WITHDRAW
Attorney Docket No. 4235.418	:	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 05 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 attorney/agent of record on behalf of himself.

Thomas P. Liniak has been withdrawn as attorney or agent of record; all other attorneys remain of record.

The correspondence address of record remains unchanged.

Telephone inquiries concerning this decision should be directed to Charles Smoot at 571-272-3299.

David Buccei
Petitions Examiner
Office of Petitions

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Paper No.

HOGAN & HARTSON L.L.P.
1999 AVENUE OF THE STARS
SUITE 1400
LOS ANGELES CA 90067

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AUG 29 2008

OFFICE OF PETITIONS

In re Application of :
Chun-Yuan Yeh : DECISION ON PETITION
Application No. 10/983,917 :
Filed: November 8, 2004 :
Atty Docket No. 88557.0003 :

This is a decision on the PETITION UNDER 37 CFR 1.137(b) FOR REVIVAL OF AN UNINTENTIONALLY ABANDONED APPLICATION filed July 29, 2008.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely file a reply to the non-final Office action mailed November 1, 2007. This Office action set a shortened statutory period for reply of three (3) months, with extensions of time obtainable under § 1.136(a). A reply and a three-month extension of time were electronically filed on Friday, May 2, 2008. As this was outside of the statutory period for reply, the reply was not timely. The reply was not entered and the extension of time was not effective. The application became abandoned on February 2, 2008, at the end of the shortened statutory period for reply. A courtesy Notice of Abandonment was mailed on June 3, 2008.

The petition includes the required reply, the required statement of unintentional delay and payment of the petition fee set forth in 37 CFR § 1.17(m). No terminal disclaimer is required.

With respect to the extension of time for response within the third month ($525) received May 2, 2008, this fee is being refunded to Deposit Account No. 50-1314, as authorized. 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 on May 2, 2008 was submitted subsequent to the maximum extendable period for reply, this fee is unnecessary and is being refunded to the Deposit Account.

Technology Center AU 2816 has been advised of this decision. The application is, thereby, forwarded to the examiner for consideration of the amendment submitted on petition filed July 29, 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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DLA PIPER RUDNICK GRAY CARY US LLP
153 TOWNSEND STREET, SUITE 800
SAN FRANCISCO CA 94107-1907

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OCT 10 2006

OFFICE OF PETITIONS

In re Application of

WILKINSON, et al.
Application No. 10/983,957
Filed: November 8, 2004
Attorney Docket No. DP-06-01CIP

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 31, 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, "application is being transferred to another attorney" does not meet any of the conditions set forth in 37 CFR 10.40.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Monica A. Graves at 571-272-7253.

for David Bucci
Petitions Examiner
Office of Petitions

cc: **JACKSON & CO. LLP**
2410 CAMINO RAMON, SUITE 120
SAN RAMON, CA 94583-4328

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JACKSON & CO., LLP
6114 LA SALLE AVENUE, #507
OAKLAND, CA 94611-2802

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MAY 23 2008

In re Application of :

WILKINSON, et al. :
Application No. 10/983,957 : DECISION ON PETITION
Filed: November 8, 2004 : TO WITHDRAW
Attorney Docket No. **DP-06-01CIP** : FROM RECORD

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 5, 2008.

The request is **APPROVED.**

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Seong-Kun Oh on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

There is an outstanding Office action mailed April 29, 2008 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **RANDY WILKINSON**
1284 HOWARD DRIVE
CHICO, CA 95926

cc: **SF BAY AREA PATENTS, LLC**
601 VAN NESS AVNEUE, #1108
SAN FRANCISCO, CA 94102

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ROBERT W STROZIER, P.L.L.C
PO BOX 429
BELLAIRE TX 77402-0429

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APR 0 2 2007

OFFICE OF PETITIONS

In re Application of	
Alexander I. Kalina	
Application No. 10/983,970	DECISION ON PETITION
Filed: November 8, 2004	TO MAKE SPECIAL UNDER
Attorney Docket No. 02019/10UTL	37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed February 8, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **DISMISSED**.

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 does not include a statement signed by the applicant.

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 undersigned at 571-272-1642.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3748 action in its regular turn.

April M. Wise
Petitions Examiner
Office of Petitions

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JUN 11 2007

OFFICE OF PETITIONS

In re Application of	:	
Alexander I. Kalina	:	
Application No. 10/983,970	:	DECISION ON PETITION
Filed: November 8, 2004	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 02019/10UTL	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 24, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a copy of applicant's drivers license. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3748 for action on the merits commensurate with this decision.

April M. Wise

April M. Wise
Petitions Examiner
Office of Petitions

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MAY 18 2006

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA VA 22314

In re Application of:
Thies Schrader
Application No. 10/983,973
Filed: November 8, 2004
For: SYSTEM AND METHOD FOR SIMPLIFIED CONFERENCE INITIATION

DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the petition filed January 23, 2006 under MPEP §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.

Applicant's submission is deficient in that it does not comply with items (5) and (6) above. In regard to item (5), no copy or discussion of reference EP 0719044 was provided. Furthermore, the discussion of the other cited references was merely general in nature; and failed to specifically point out how the language of the claims patentably distinguishes from the references.

Accordingly, the petition is **DENIED**.

Should applicant desire reconsideration, he/she should supplement this petition by supplying 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.

Krista Zele
Special Program Examiner
Technology Center 2600
Communications

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JUN 26 2007

TECHNOLOGY CENTER 2100

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 Duke Street
Alexandria, VA 22314

In re Application of:
Thies Schrader
Application No. 10/983,973
Filed: November 8, 2004
For: SYSTEM AND METHOD FOR SIMPLIFIED CONFERENCE INITIATION

DECISION ON PETITION TO MAKE SPECIAL (ACCELERATED EXAMINATION) UNDER M.P.E.P. §708.02 (VIII)

This is a decision on the renewed petition to make special under 37 C.F.R. §102(d) and M.P.E.P. §708.02(VIII): Accelerated Examination, filed on July 18, 2006 of the original petition filed January 23, 2006 which was dismissed on May 18, 2006.

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. § 102(d) states in relevant part:

> A new application (one which has not received any examination by the examiner) may be granted special status provided that applicant (and this term includes applicant's attorney or agent) complies with each of the following items:
>
> (a) Submits a petition to make special accompanied by the fee set forth in 37 CFR § 1.17(h);
>
> (b) Presents all claims directed to a single invention, or if the Office determines that all the claims presented are not obviously directed to a single invention, will make an election without traverse as a prerequisite to the grant of special status;
>
> (c) Submits a statement(s) that a pre-examination search was made, listing the field of search by class and subclass, publication, Chemical Abstracts, foreign patents, etc. A search made by a foreign patent office satisfies this requirement;
>
> (d) Submits one copy each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and
>
> **(e) Submits a detailed discussion of the references, which discussion points out, with the particularity required by 37 CFR §§ 1.111 (b) and (c), how the claimed subject matter is patentable over the references.**

> In those instances where the request for this special status does not meet all the prerequisites set forth above, applicant will be notified and the defects in the request will be stated. The application will remain in the status of a new application awaiting action in its regular turn. In those instances where a request is defective in one or more respects, applicant will be given one opportunity to perfect the request in a renewed petition to make special. If perfected, the request will then be granted. If not perfected in the first renewed petition, any additional renewed petitions to make special may or may not be considered at the discretion of the Technology Center Special Program Examiner.

In this case, the refilled petition fails to adequately meet requirement (e) as set forth supra. Responsive to requirement (e), applicant must provide a "detailed discussion of the references, which discussion points out, with the particularly requirement by 37 CFR § 1.111(b) and (c), how the claimed subject matter is patentable over the references." Petitioner should ensure that the above discussion is directed to *how the language of each of the independent claims are specifically distinguishable and patentable from the references* provided pursuant to requirement (e) supra.

The petition filed July 18, 2006 repeats **substantially the entirety** of the independent claim language (claims 1, 6, 13, and 14) and identifies all limitations as those limitations that the reference(s) do not show or suggest, thus the petition fails to discuss the **claimed limitations** with respect to the references in accordance with the requirements of 37 CFR 1.111 (b) and (c). The petition does not specifically recite language or limitations form the independent claims to properly compare/contrast the claimed invention (each of the independent claims) with respect to prior art in the identified references. Petitioner is required to submit a **detailed discussion that includes identifying claim limitations with particularity for each independent claim** that shows how the claimed invention distinguishes over the relevant teachings of each reference.

Applicant's petition fails to provide a "detailed discussion of the references" with the requisite particularity that illuminates the salient prior art issues relative to the claimed subject matter. Petitioner's **cursory treatment** of the references does not detail, with the particularity called for under section (e), the relevancy of the prior art pedagogy in order to sufficiently set forth a case distinguishing the limitations claimed to be patentable in relation to the given reference.

In the discussion of the references, Petitioner is required to point out (substantively detail) the prior art elements and associations germane to the claims to fully flesh-out the comparison between the referenced prior art and Applicant's claimed features. The petition must specifically show, for each independent claim, specific language that distinguishes over each give reference in order to specify "how the claimed subject matter is patentable over the references."

Because the petition fails to satisfy all of the criteria set forth above, the petition to make special is **DENIED**.

The application will be returned to the examiner's docket to await treatment on the merits in the normal order of examination.

Tod Swann
Technology Center 2100
Computer Architecture, Software, and
Information Security
571-272-3612

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SALIWANCHIK LLOYD & SALIWANCHIK
A PROFESSIONAL ASSOCIATION
PO Box 142950
GAINESVILLE, FL 32614

Mail Date: 04/20/2010

Applicant	: Kwok Yung Yuen	: DECISION ON REQUEST FOR
Patent Number	: 7605135	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/983,985	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/08/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1353** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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JAN 3 1 2005

In re Application of	:	
MEKONEN.	:	
Serial Number: 10/983,992	:	PETITION UNDER
Filed: November 8, 2004	:	M.P.E.P.708.02 IV
For: FUEL COMPOSITIONS	:	

This is in response to the petition filed November 8, 2004, requesting that the above-identified application be granted Special Status under Sections 708.02 IV of the MPEP and 37 CFR 1.102(c) **(no fee required)**.

The request for Special Status considered under Section 708.02 IV has been granted because the criteria under 37 CFR 1.102(c) have been met.

Accordingly the petition is **GRANTED.**

R Crispino

Richard Crispino, Special Programs Examiner
Technology Center 1700
Chemical and Materials Engineering

Hovey Williams LLP
Suite 400
2405 Grand
Kansas City, MO 64108

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2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

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AUG 16 2006

OFFICE OF PETITIONS

In re Application of	:	
Ray Douglas Carpenter	:	
Application No. 10/983,993	:	DECISION ON PETITION
Filed: November 8, 2004	:	
Attorney Docket No. QSINC.003A	:	

This is a decision on the petition, filed November 15, 2005, 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 Notice To File Missing Parts Of Nonprovisional Application (Notice) of December 13, 2004, which set a TWO-MONTH period for reply. Accordingly, a reply was due on or before February 13, 2005.

Petitioner states that a timely reply was mailed on January 6, 2005 (certificate of mailing), which included the following papers: Transmittal Letter, An executed Declaration by Inventor, a Power of Attorney and copy of Assignment, Small entity status under 37 C.F.R. §1.27, A Notice to File Missing Parts, Return prepaid postcard and Fees as calculated. Petitioner has submitted a copy of the previously mailed correspondence, which bears a certificate of mailing, dated January 6, 2006, which would have rendered the reply timely if received.

The file record does not include the originally submitted papers. Failure to receive correspondence which includes a certificate of mailing or certificate of facsimile transmission is addressed in 37 CFR 1.8(b), reproduced below:

> In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the U.S. Patent and Trademark Office after a reasonable amount of time

has elapsed from the time of mailing or transmitting of the correspondence, or after the application is held to be abandoned, or after the proceeding is dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:

(1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;

(2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and

(3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

The petition satisfies the above requirements of 37 CFR 1.8(b). Accordingly, the holding of abandonment for failure to timely file a reply to the Notice of December 13, 2004, is hereby withdrawn and the application restored to pending status.

The copy of the reply received with the petition will be accepted in place of the reply shown to have been mailed on January 6, 2006.

This application is being referred to the Office of Initial Patent Examination for preexamination processing.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

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JAN 23 2009

OFFICE OF PETITIONS

Charles G. Call
141 GULFPORT CT.
MARCO ISLAND FL 34145-4105

In re Application of :
Logan, et al. :
Application No. 10/984,018 : DECISION ON PETITION
Filed: November 8, 2004 :
Attorney Docket No. E-48 :

This is a decision on the petition under 37 CFR 1.137(b), filed October 9, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The above-cited application became abandoned for failure to file a proper reply to the final Office action mailed February 27, 2007, which set a three (3) month shortened statutory period for reply. A Notice of Abandonment was mailed on September 27, 2007.

The Notice of Appeal, filed October 9, 2007, has been entered and made of record. Accordingly, the two-month period for filing an appeal brief (accompanied by the fee required by 37 CFR 1.17(c)) runs from the date of this decision.

The address cited on the petition differs from the address of record. 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 of currently of record until such time as appropriate instructions are received to the contrary.

The application file is being forwarded to Technology Center 2600, GAU 2617 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

Cc:
Charles G. Call
215 West Huron Street, Unit 2
Chicago, IL 60610-3331

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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CHARLES G. CALL
20 EAST GOETH ST CH1
CHICAGO, IL 60610

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DEC 1 6 2009

OFFICE OF PETITIONS

In re Application of	:	
James D. LOGAN, et al.	:	
Application No. 10/984,018	:	DECISION ON PETITION
Filed: November 8, 2004	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. **E-48**	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 13, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, February 24, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on May 25, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $810; and (3) an adequate statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Monica A. Graves at (571) 272-7253.

This application is being referred to Technology Center AU 2617 for appropriate action by the Examiner in the normal course of business on the reply received October 13, 2009

Brian W. Brown
Petitions Examiner
Office of Petitions

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Alexandria, VA 22313-1450
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CHARLES G. CALL
1329 N DEARBORN ST APT 3
CHICAGO IL 60610-2017

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JUN 2 1 2010

OFFICE OF PETITIONS

In re Application of	:	
James D. LOGAN et al.	:	
Application No. 10/984,018	:	DECISION ON PETITION
Filed: November 08, 2004	:	
Attorney Docket No. E-48	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 22, 2010, 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 March 29, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed December 29, 2010. Accordingly, the date of abandonment of this application is March 30, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $755.00 and the publication fee of $300.00, (2) the petition fee of $810.00; and (3) a proper statement of unintentional delay. Accordingly, the issue and publication fee payments are accepted as being 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) 272-4231.

This application is being referred to Publishing Division for processing.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **CHARLES G. CALL**
361 WILD COFFEE LN
MARCO ISLAND, FL 34145-1849

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HAYNES AND BOONE, LLP
IP SECTION
2323 VICTORY AVENUE
SUITE 700
DALLAS, TX 75219

MAILED

SEP 17 2009

OFFICE OF PETITIONS

In re Application of	:	
Kathy Runkel	:	DECISION ON PETITION
Application No. 10/984,029	:	TO WITHDRAW
Filed: November 8, 2004	:	FROM RECORD
Attorney Docket No. 11145.2-1	:	

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 3, 2009.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to practitioners associated with Haynes and Boone, LLP were revoked by the applicant of the patent application on August 4, 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 the undersigned at 571-272- 6059.

Alicia Kelley
Petitions Examiner
Office of Petitions

cc: MUNSCH, HARDT, KOPF & HARR, P.C.
INTELLECTUAL PROPERTY DOCKET CLERK
3800 LINCOLN PLAZA
500N AKARD STREET
DALLAS, TX 75201

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OFFICE OF PETITIONS

WILSON SONSINI GOODRICH & ROSATI
650 PAGE MILL ROAD
PALO ALTO, CA 94304-1050

In re Application of	:	
Roderic M. K. Dale	:	
Application No. 10/984,030	:	DECISION ON PETITION
Filed: September 14, 2004	:	TO WITHDRAW
Attorney Docket No. 31249-706.301	:	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 31, 2007.

The request is **DISMISSED** as 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 September 6, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to undersigned at 571-272- 1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: LOWENSTEIN SANDLER, PC
65 LIVINGSTON AVENUE
ROSELAND, NJ 07068

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LOWENSTEIN SANDLER PC
65 LIVINGSTON AVENUE
ROSELAND NJ 07068

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OCT 26 2009

OFFICE OF PETITIONS

In re Application of	:	
Dale et al.	:	
Application No. 10/984,030	:	ON PETITION
Filed: September 14, 2004	:	
Attorney Docket No. 20150-76	:	

This is a decision on the petition under the unavoidable provisions of 37 CFR 1.137(a), filed July 7, 2008, to revive the above-identified application.

The petition is **DISMISSED.**

Any further petition to revive must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)." This is **not** a final agency action within the meaning of 5 U.S.C.§ 704.

This application became abandoned for failure to timely reply to the non-final Office action mailed September 4, 2007. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, this application became abandoned on December 5, 2007. A Notice of Abandonment was mailed May 9, 2008.

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 states that delay was unavoidable as the Revocation of Power of Attorney with New Power of Attorney and Change of Correspondence Address filed on June 20, 2007 listed the incorrect Customer Number due to a typographical error. Specifically, it referenced Customer Number 28821 rather than 28221. The subsequently mailed Office action was mailed to the address associated with Customer Number 28821 and was never received by the petitioner.

However, a delay caused by the failure on the part of petitioner, or petitioner's representative, to provide the U.S. Patent and Trademark Office with a *proper* and current correspondence address does not constitute an unavoidable delay. *See* Ray v. Lehman, 55 F.3d 606, 34 USPQ2d 1786 (Fed. Cir. 1995).

If petitioner cannot provide the evidence necessary to establish unavoidable delay, or simply does not wish to, petitioner may wish to consider filing a petition stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of the issue fee was "unavoidable." This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b). An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the $810.00 petition fee.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

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 Petitions Examiner Liana Walsh at (571) 272-3206.

/dab/
David Bucci
Petitions Examiner
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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BULLIVANT HOUSER BAILEY PC
1415 L STREET
SUITE 1000
SACRAMENTO, CA 95814

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DEC 2 4 2009

OFFICE OF PETITIONS

In re Application of :
Roderic M.K. Dale et al :
Application No. 10/984,030 : ON PETITION
Filed: September 14, 2004 :
Attorney Docket No. 23628/00007 :

This is a decision on the petition under 37 CFR 1.137(b), filed November 5, 2009, to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed September 4, 2007, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the above-identified application became abandoned on December 5, 2007.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the $555 extension of time submitted with the petition on November 5, 2009 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credit to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 1623 for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
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JJGJr: 07-05

Paper No: __

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JUL 2 9 2005

OFFICE OF PETITIONS

KENT R. MOORE, P.C.
C/O KENT R. MOORE, ESQ.
P.O BOX 1026
HIXSON TN 37343

In re Application of	:	
Parkes, et al.	:	
Application No. 10/984,036	:	ON PETITION
Filed: 9 November, 2004	:	
Attorney Docket No. (None)	:	

This is a decision on the petition filed on 27 May, 2005, considered under 37 C.F.R. §1.53, to obtain a filing date of 9 November, 2004, for the instant application.

For the reasons set forth below, the petition is **GRANTED**.

BACKGROUND

After this application was deposited on 9 November, 2004:

- on 25 March, 2005, the Office mailed a Notice of Incomplete Nonprovisional Application (The Notice) stating that the application had not been accorded a filing date because it had been deposited without drawings as required under 35 U.S.C. 113 (first sentence). OIPE indicated that Petitioner might contend via petition either that the drawings were submitted or that they were not necessary for a filing date, and OIPE set a two- (2-) month period for reply;

- Petitioner filed the instant petition (with fee) on 27 May, 2005, (over a 25 May, 2005, certificate of mailing) with, *inter alia*, a copy of the date-stamped ("110904") receipt card

(see: MPEP §503[1]), a copy of the application as averred to have been filed, including 9 sheets of drawings, and a request for a filing date of 9 November, 2004.

Analysis

A search of the official file reveals that:

- on 9 November, 2004, Petitioner deposited the instant application;
- the date-stamped receipt card evidences the following, in pertinent part:

* * *

1. Patent Application (19 pages including claims and abstract)
2. 9 Drawing Sheets

* * *

Because Petitioner's receipt card adequately itemized the contents of the application on the

---

[1] MPEP §503 provides in pertinent part:

§503 Application Number and Filing Receipt

* * *

A return postcard should be attached to *each* patent application for which a receipt is desired. It is important that the return postcard itemize all of the components of the application. If the postcard does not itemize each of the components of the application, it will not serve as evidence that any component which was not itemized was received by the United States Patent and Trademark Office (USPTO). It should be recognized that the identification of an application by application number does not necessarily signify that the USPTO has accepted the application as complete (37 C.F.R. §1.53(a)).

* * *

RETURN POSTCARD

If a receipt of any item (e.g., paper or fee) filed in the USPTO is desired, it may be obtained by enclosing with the paper a self-addressed postcard specifically identifying the item. The USPTO will stamp the receipt date on the postcard and place it in the outgoing mail. A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO.

The identifying data on the postcard should be so complete as to clearly identify the item for which receipt is requested. For example, the postcard should identify the applicant's name, application number (if known), confirmation number (if known), filing date, interference number, title of the invention, etc. The postcard should also identify the type of paper being filed, e.g., new application, affidavit, amendment, notice of appeal, appeal brief, drawings, fees, motions, supplemental oath or declaration, petition, etc., and the number of pages being submitted. If a new application is being filed, all parts of the application being submitted should be separately listed on the postcard, e.g., the number of pages of specification (including written description, claims and abstract), number of claims, number of sheets of drawings, number of pages of oath/declaration, number of pages of cover sheet (provisional application).

The postcard receipt will not serve as *prima facie* evidence of receipt of any item which is not adequately itemized on the postcard. For example, merely listing on the postcard "a complete application" or "patent application" will not serve as a proper receipt for each of the required components of an application (e.g., specification (including claims), drawings (if necessary), oath or declaration and the application filing fee) or missing portions (e.g., pages, sheets of drawings) of an application if one of the components or portion of a component is found to be missing by the USPTO. Each separate component should be specifically and properly itemized on the postcard. Furthermore, merely incorporating by reference in the postcard receipt, the items listed in a transmittal letter will not serve as *prima facie* evidence of receipt of those items.

The person receiving the item(s) in the USPTO will check the listing on the postcard against the item(s) being filed to be sure they are properly identified and that all the items listed on the postcard are presently being submitted to the USPTO. If any of the items listed on the postcard are not being submitted to the USPTO, those items will be crossed off and the post-card initialed by the person receiving the items. Upon return of a postcard receipt from the USPTO, the postcard receipt should be promptly reviewed by the person who filed the items to ensure that every item specifically denoted on the postcard was received by the USPTO. If the postcard receipt has been annotated to indicate that a particular item denoted on the postcard was not received by the USPTO, the postcard receipt will not serve as *prima facie* evidence of receipt of that item in the USPTO. (Emphasis supplied.)

receipt card, it is concluded that the application, including 9 sheets of drawings, as described in the specification, was deposited with the Office on 9 November, 2004, and the 9 sheets of drawings, as described in the specification, subsequently were misplaced in the Office.

Accordingly, the application, (19 pages including claims and abstract with 9 sheets of drawings) is entitled to a filing date of 9 November, 2004.

The Notice mailed on 25 March, 2005, was sent in error and is hereby vacated to the extent that it stated that the application was filed without drawings and is not entitled to a filing date.

CONCLUSION

The petition is **granted** and the petition fee waived and refunded.

This application is released to OIPE for further processing with a filing date of 9 November, 2004, for the entire application and in particular for the specification (19 pages: description, claims and abstract), and 9 sheets of drawings, as described in the specification, using:

- **19 pages of specification (description, claims and abstract) deposited on 9 November 2004; and**
- **the 9 sheets of drawings deposited on 27 May, 2005; and further**

with direction to OIPE to correct Office records and provide to Petitioner a corrected filing receipt setting forth a filing date of 9 November, 2004, and reflecting therein that 19 pages of specification (description, claims and abstract) and 9 sheets of drawings were present on filing.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3214.

John J. Gillon, Jr.
Senior Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS,
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/984,051	11/09/2004	3753	920	900260.00005	1	19	2

CONFIRMATION NO. 2469

UPDATED FILING RECEIPT

OC000000015781984

26710
QUARLES & BRADY LLP
411 E. WISCONSIN AVENUE
SUITE 2040
MILWAUKEE, WI 53202-4497

Date Mailed: 04/19/2005

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)

Calin L. Raszga, Woodstock, CANADA;
Jeffrey R. Girard, Woodstock, CANADA;
Ulf Bergquist, Woodstock, CANADA;

Power of Attorney: None

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/518,956 11/10/2003

Foreign Applications

If Required, Foreign Filing License Granted: 12/17/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/984,051

Projected Publication Date: 07/28/2005

Non-Publication Request: No

Early Publication Request: No

BEST AVAILABLE COPY

Title

Anti-stall pilot pressure control system for open center systems

Preliminary Class

137

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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LILLING & LILLING PLLC
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JERUSALEM 91003 IL ISRAEL

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FEB 02 2009

OFFICE OF PETITIONS

In re Application of
LEE, Gi Young et al.
Application No. 10/984,070
Filed: November 09, 2004
Attorney Docket No. **434/2**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 09, 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 Bruce E. Lilling on behalf of all attorneys of record who are associated with customer No. 24101. 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 November 07, 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: **GI YOUNG LEE**
GARAK SSANGYONG APARTMENT, 203-1710
GARAK-2-DONG 140
SONGPA-GU
SEOUL, 138-1-60, KR KOREA, REPUBLIC OF

cc: **GSINSTRUMENTS CO., LTD**
1385-14, JUAN-DONG
NAM-GU
INCHEON, 402-200, KR KOREA, REPUBLIC OF

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UNITED STATES DEPARTMENT OF COMMERCE
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Alexandria, Virginia 22313-1450
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KONRAD RAYNES & VICTOR, LLP
315 S. BEVERLY DRIVE
210
BEVERLY HILLS, CA 90212

Mail Date: 04/20/2010

Applicant	: Timothy James Crawford	: DECISION ON REQUEST FOR
Patent Number	: 7624336	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/984,071	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/08/2004	: 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 DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY OF COMMERCE AND
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, DC 20231

6/9/09

Patent No. :7404214
Inventor(s) :Woolcott et al.
Issued : 7/29/2008
Title : ZIPPER ASSEMBLY
Atty.doc./File No.

Request for Certificates of Correction

Consideration has been given to your request for the issuance of a Certificate of Correction, for the above – identified patent under the provisions of CFR 1.322.

Inspection of the application for the patent reveals col. 5 line 31-33 claim 1, is printed in accordance with the record. Therefore being no fault on the Patent and Trademark Office, It has no authority to issue a certificate of correction under the provision of 1.322.

In view of the forgoing, your request in this matter, is hereby denied.

Future written correspondence concerning this matter should be filed and directed to Decisions & Certificates of Correction Branch.

Henry Randall
Decisions & Certificates
of Correction Branch
(703) 756-1571

KAUTH POMEROY PECK & BAILEY LLP
2875 MICHELLE DRIVE, SUITE 110
IRVINE, CA 92606

HR

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 3/23/09

TO SPE OF : ART UNIT 1625

SUBJECT : Request for Certificate of Correction for Appl. No.: 10984093 Patent No.: 7465799 B2

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580
You can fax the 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: OK to enter /D. Margaret Seaman/

Primary Examiner AU 1625

/Janet L. Andres/

Supervisor, Art Unit 1625

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA CA 91109-7068

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SEP 12 2005

OFFICE OF PETITIONS

In re Application of	:	
Kim et al.	:	DECISION GRANTING PETITION
Application No.10/984,097	:	
Filed: November 9, 2004	:	
Attorney Docket Number: 53161/DBP/Y35	:	
Title of Invention: Organic Electroluminescent	:	
Display Device and Manufacturing Method	:	
Thereof		

This is a decision on the petition under 37 CFR 1.10 (c) filed on August 15, 2005, requesting that the above-identified application be accorded a filing date of November 9, 2004, rather than the presently accorded filing date of November 8, 2004.

Petitioner contends the application was deposited in Express Mail service on November 9, 2004. The Express Mail number EV327918228US was found on the itemized transmittal sheet accompanying the original application papers located in the official file. A review of the United States Postal Service's Express Mail Information Database shows the Express Mail package was accepted by the United States Postal Service on November 9, 2004.

In view of the above, the petition is **Granted**.

The application is being forwarded to Office of Initial Patent Examination for correction of the filing date to **November 9, 2004** and issuance of a corrected Filing Receipt.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272 -3215.

Charlema R. Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA22313-1450
www.uspto.gov

LAW OFFICE OF DALE B. HALLING, LLC
655 SOUTHPOINTE CT, SUITE 100
COLORADO SPRINGS CO 80906

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JUN 01 2007

OFFICE OF PETITIONS

In re Application of
Arun Khamesra et al. :
Application No. 10/984,104 : ON PETITION
Filed: November 9, 2004 :
Attorney Docket No: **CYP-0419** :

This is a decision on the petition filed February 14, 2007, under 37 CFR 1.181, in accordance with the reasoning of the decision in Delgar Inc. v. Schuyler, 172 USPQ 513.

The petition is **GRANTED**.

This application became abandoned on September 1, 2006, for failure to file a timely response to the Final Office Action mailed May 31, 2006, which set a three (3) month statutory period for reply. Accordingly, a Notice of Abandonment was mailed February 13, 2007. Petitioner asserts that the office action was never received.

The file record discloses that the Office Action was mailed to the address of record which is the same address used on all correspondences from the USPTO including the Notice of Abandonment. Petitioner has provided a copy of the docket report wherein receipt of the Office Action mailed May 31, 2006 would have been filed, had it been received. To show that the Notice mailed May 31, 2006 was not received, petitioner also explains that after searching the file jacket it was concluded that no correspondence was received for this matter from the USPTO,

In that the statement from the petitioner and the exhibit from the docket record for the instant matter show no entry indicating receipt of the Final Office Action mailed May 31, 2006, it is apparent that it was not received. The evidence submitted corroborates non-receipt of the Office Action.

In view of the facts set forth in the petition, it is concluded that the Office Action was never received at the address of record. Accordingly, the holding of abandonment is withdrawn and no petition fee is due.

This matter is being referred to Technology Center 2816 for appropriate action on the response to the May 31, 2006 office action which was filed February 14, 2007 with the instant petition.

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
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AIR PRODUCTS AND CHEMICALS, INC.
PATENT DEPARTMENT
7201 HAMILTON BOULEVARD
ALLENTOWN PA 18195-1501

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JUN 16 2009

OFFICE OF PETITIONS

In re Application of	:	
Heather Regina Bowen	:	
Application No. 10/984,108	:	DECISION GRANTING PETITION
Filed: November 9, 2004	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 06674 USA	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed June 15, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on June 8, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Terri Williams at (571) 272-2991.

This application is being referred to Technology Center AU 1797 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Terri Williams
Petitions Examiner
Office of Petitions

---

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Bell, Boyd & Lloyd LLC
P.O. Box 1135
Chicago, IL 60690-1135

Mail Date: 04/21/2010

Applicant	: Joseph D. Masci	: DECISION ON REQUEST FOR
Patent Number	: 7607980	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/984,169	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/08/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **345** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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FULBRIGHT & JAWORSKI L.L.P
2200 ROSS AVENUE
SUITE 2800
DALLAS, TX 75201-2784

Mail Date: 04/21/2010

Applicant	: Sammy Ming Kit Chau	: DECISION ON REQUEST FOR
Patent Number	: 7653034	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/984,172	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/09/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1478** 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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CHARLES Y. LACKEY
P.O. BOX 5871
WINSTON-SALEM, NC 27113-5871

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APR 0 3 2008

OFFICE OF PETITIONS

In re Application of	:	
Mark PAVLANSKY, et al	:	
Application No. 10/984,173	:	ON PETITION
Filed: November 9, 2004	:	
Attorney Docket No.	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 30, 2007, 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, January 24, 2007, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on April 25, 2007.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) 1 and 3.

With respect to item 1: Although petitioner supplied the required fee, the petition filed November 30, 2007 is lacking the required signature of an authorized agent or the appointed attorney of record.

With respect to item 3: The instant petition fails to contain the required statement of unintentional delay. 37 CFR 1.37(b) states that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b)

was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (II)(C) and (D)).]

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries concerning this decision should be directed to Diane Goodwyn at (571) 272-6735.

April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PETITIONS

CHARLES Y. LACKEY
P.O. BOX 5871
WINSTON-SALEM, NC 27113-5871

In re Application of	:	
Mark PAVLANSKY, et al	:	
Application No. 10/984,173	:	ON PETITION
Filed: November 9, 2004	:	
Attorney Docket No.	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed July 31, 2009, 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, January 24, 2007, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on April 25, 2007.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) 3.

With respect to item 3: The instant petition fails to contain the required statement of unintentional delay. 37 CFR 1.137(b) states that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. In the petition filed July 31, 2009, petitioner states "Mr. Lackey did not have sufficient time to respond to the outstanding matters or to make arrangements to handle patent applications pending at that time. " Petitioner also states he never met or talked with Mr. Lackey." It is not clear to the Office how petitioner could assert that Mr. Lackey did not have sufficient time to respond to the Office action of January 24, 2007. Further, it is not clear as to

why there was a delay in responding after petitioner became aware of the Office action and why was there a delay in filing a new power of attorney and change of address.

In view of the above, the Office cannot determine if the entire delay was unintentional. Accordingly, the renewed petition to revive under 37 CFR 1.137(b) filed July 31, 2009, cannot be granted at this time.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

/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
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MAY 03 2010

OFFICE OF PETITIONS

ROBERT W. PITTS
PO BOX 11483
WINSTON-SALEM NC 27116-1483

In re Application of
Mark PAVLANSKY, et al
Application No. 10/984,173
Filed: November 9, 2004
Attorney Docket No.

CORRECTED
DECISION
ON PETITION

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed July 31, 2009, 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, January 24, 2007, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on April 25, 2007.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (3).

With respect to item (3): The instant petition fails to contain the required statement of unintentional delay. 37 CFR 1.37(b) states that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. In the petition filed July 31, 2009, petitioner states "Mr. Lackey did not have sufficient time to respond to the outstanding matters or to make arrangements to handle patent applications pending at that time." Petitioner also states "he never met or talked with Mr. Lackey." It is not clear to the Office how petitioner could assert that Mr. Lackey did not have sufficient time to respond to the Office action of January 24, 2007. Further, it is not clear as to

why there was a delay in responding after petitioner became aware of the Office action and why was there a delay in filing a new power of attorney and change of address.

In view of the above, the Office cannot determine if the entire delay was unintentional. Accordingly, the renewed petition to revive under 37 CFR 1.137(b) filed July 31, 2009, cannot be granted at this time.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
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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) 272-6735.

/dcg/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

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JUL 01 2010

OFFICE OF PETITIONS

ROBERT W. PITTS
PO BOX 11483
WINSTON-SALEM NC 27116-1483

In re Application of	:	
Mark PAVLANSKY, et al	:	
Application No. 10/984,173	:	DECISION ON PETITION
Filed: November 9, 2004	:	
Docket No.	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed May 6, 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 non-final Office action mailed, January 24, 2007, which set a shortened statutory period for reply of **three (3) months.** No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on April 25, 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) an adequate statement of unintentional delay.

37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is **not** a correct reading of the statement appearing in the petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

This application is being referred to Technology Center AU 3637 for appropriate action by the Examiner in the normal course of business.

/dcg/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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JOHN S. PRATT, ESQ
KILPATRICK STOCKTON, LLP
1100 PEACHTREE STREET
ATLANTA, GA 30309

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JUN 1 5 2005

OFFICE OF PETITIONS

In re Application of Bobbie Don Peacock and Charles McInvale Application No. 10/984,174 Filed: November 9, 2004 For: FRANGIBLE CONCRETE INSERT CLIP	: : : : : :	DECISION GRANTING PETITION UNDER 37 CFR 1.47(a)

This is in response to the "Petition Under 37 CFR 1.47(a)," filed May 31, 2005.

The petition is **granted**.

Petitioner has shown that the non-signing inventor has refused to join in the filing of the above-identified application.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status. As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The file is being forwarded to Technology Center 3600 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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.go

CHARLES MCINVALE
35 COTTAGE LANE
NEWMAN, GA 30265

COPY MAILED

JUN 15 2005

OFFICE OF PETITIONS

In re Application of
Bobbie Don Peacock and Charles McInvale
Application No. 10/984,174
Filed: November 9, 2004
For: FRANGIBLE CONCRETE INSERT CLIP

Dear CHARLES MCINVALE:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3228. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1 (800) 972-6382 (outside the Washington D.C. area).

Edward J. Tannouse
Petitions Attorney
Office of Petitions/Patent
United States Patent and Trademark Office

JOHN S. PRATT, ESQ
KILPATRICK STOCKTON, LLP
1100 PEACHTREE STREET
ATLANTA, GA 30309

UNITED STATES PATENT AND TRADEMARK OFFICE

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SUITE 400
BLUE BELL, PA 19422

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MAR 22 2006

OFFICE OF PETITIONS

In re Application of :
Calvin LeBuffe :
Application No. 10/984,182 : ON PETITION
Filed: November 8, 2004 :
Attorney Docket No.: 11399-1

This is a decision on the petition filed February 21, 2006 under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the non-Final Office Action mailed June 29, 2005. A shortened statutory period of three months was set for replying to the non-Final Office Action. No extensions of time having been requested, this application became abandoned September 30, 2005. Accordingly, a Notice of Abandonment was mailed January 11, 2006.

All requirements having been met, this matter is being referred to Technology Center 3671 for appropriate action on the amendment filed February 21, 2006.

Telephone inquiries concerning this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

---

[1] Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

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OFFICE OF PETITIONS

NATIONAL IP RIGHTS CENTER, LLC
SCOTT J. FIELDS, ESQ.
550 TOWNSHIP LINE ROAD
SUITE 400
BLUE BELL PA 19422

In re Application of	:	
Calvin Lebuffe	:	
Application No. 10/984,182	:	DECISION ON PETITION
Filed: November 8, 2004	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 11399-1	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 26, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age, must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a statement from the applicant declaring that he is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3671 for action on the merits commensurate with this decision.

Terri Williams

Terri Williams
Petitions Examiner
Office of Petitions

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Alexandria, VA 22313-1450
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WENDEROTH, LIND & PONACK, L.L.P.
2033 K STREET N. W.
SUITE 800
WASHINGTON DC 20006-1021

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AUG 21 2008

OFFICE OF PETITIONS

In re Application of	:	
Rudolf F. Haindl, et. al.	:	
Application No. 10/984,187	:	DECISION ON PETITION
Filed: November 8, 2004	:	
Attorney Docket No. 2008_0517	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 23, 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 Rejection mailed, January 3, 2007, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136 (a) were obtained. Accordingly, the application became abandoned on April 4, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment After Non-Final Rejection, (2) the petition fee of $770, and (3) a proper statement of unintentional delay.

There is no indication that the person signing the petition was ever given a power of attorney or authorization of agent to prosecute the above-identified patent. However, in accordance with 37CFR 1.34(a), the signature of Walter C. Pledger appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party in whose behalf he acts.

Telephone inquiries concerning this decision should be directed to Denise Williams at (571) 272-8930.

This application is being referred to Technology Center AU 1761 for appropriate action by the Examiner in the normal course of business on the reply received.

Andrea Smith
Petitions Examiner
Office of Petitions

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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

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SEP 15 2008

In re Application of :
Chilcote et al. :
Application No. 10/984192 :
Filing or 371(c) Date: 11/08/2004 :
Attorney Docket Number: :
015270-013010US : ON PETITION

This is a decision on the Petition to Revive an Unintentionally Abandoned Application Under 37 CFR 1.137(b), filed July 28, 2008.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely reply to the non-final Office action, mailed October 29, 2007. The Office action set a three (3) period for reply. Extensions of time under 37 CFR 1.136(a) were available. No reply having been received, the application became abandoned on January 30, 2008. A Notice of Abandonment was mailed June 4, 2008.

Applicant files the present petition and includes an Amendment in response to the Office action. The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an Amendment is filed with the present petition; (2) the petition fee; and (3) the required statement of unintentional delay. Accordingly, the reply is accepted as having been unintentionally delayed.

This application is being referred to Technology Center Art Unit 1649 for processing of the Amendment filed with the petition in due course.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

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PERKINS COIE LLP/CARGILL, INC.
P.O. BOX 1247
SEATTLE WA 98111-1247

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OFFICE OF PETITIONS

In re Application of	:
Reif, et al.	: DECISION GRANTING
Application No. 10/984,194	: PETITION
Filed: November 8, 2004	:
Attorney Docket No. 334498016US1	:

This is a decision on the petition filed May 4, 2005 under 37 CFR 1.10(d), requesting that the above-identified application be accorded a filing date of November 8, 2004, rather than the presently accorded filing date of November 9, 2004.

Petitioners request the earlier filing date on the basis that the application was deposited in Express Mail service on November 8, 2004, pursuant to the requirements of 37 CFR 1.10. The petition is accompanied by a printout of the United States Postal Service Track/Confirm - Intranet Item Inquiry - Domestic for the package associated with EV343593370US that shows the package was deposited with the USPS on November 8, 2004. The same Express Mail label number is found on the original application papers. In addition, the declaration of Edward S. Hotchkiss, created within one business day of November 8, 2004, states that the package was handed to a clerk on November 8, 2004, but the clerk argued with Mr. Hotchkiss for several minutes prior to scanning the label into USPS computer systems. As a result, the computer dated the label as accepted on November 9, 2004 at 12:00 am.

Paragraph (d) of 37 CFR 1.10 states that:

> Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS was incorrectly entered or omitted by the USPS, may petition the Commissioner to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS, provided that:
>
> (1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date based upon an incorrect entry by the USPS;
>
> (2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail"; and
>
> (3) The petition includes a showing which establishes, to the satisfaction of the Commissioner, that the requested filing date was the date the correspondence was deposited in "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS.

A grantable petition under 37 CFR 1.10(d) must include "a showing which establishes, to the satisfaction of the Commissioner, that the requested filing date was the date the correspondence was deposited in "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day." In addition, the showing "must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the 'Express Mail Post Office to Addressee' service of the USPS."

The petition filed May 4, 2005, is accompanied by the corroborating evidence required by the rule. Accordingly, the petition is granted.

The application is being returned to the Office of Initial Patent Examination for correction of the filing date to **November 8, 2004** and the mailing of a corrected filing receipt.

Thereafter, the application will be forwarded to Technology Center Art Unit 1761 for examination in due course.

Any inquiries related to this decision should be directed to the undersigned at (571) 272-3230.

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

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555 SOUTH FLOWER STREET
FIFTIETH FLOOR
LOS ANGELES CA 90071

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SEP 19 2005

OFFICE OF PETITIONS

In re Application of
Daniel H. Lange
Application No. 10/984,200
Filed: November 9, 2004
Attorney Docket No. 926267-100002

DECISION ON PETITIONS
UNDER 37 CFR 1.78(a)(3) AND (a)(6)

This is a decision on the petitions under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed July 28, 2005, to accept an unintentionally delayed claim under 35 U.S.C. §§120, 365(c) and 119(e) for the benefit of the prior-filed applications set forth in the concurrently filed amendment.

The petitions are **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.

This 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 PCT application was filed within twelve months of the filing date of the prior-filed provisional application, Application No. 60/398,832, which was filed on July 29, 2002, for which priority is claimed.

All the above requirements having been satisfied, the late claim for priority under 35 U.S.C. §§ 120 and 119(e) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. §§120 and 365(c) and 1.78(a)(1) and (a)(2) and under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed applications, accompanies this decision on petition.

Any questions concerning this matter may be directed to Senior Petitions Attorney Patricia Faison-Ball at (571) 272-3212. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 2621 for appropriate action on the amendment submitted July 28, 2005, including consideration by the examiner of the claim under 35 U.S.C. § §120 and 119(e) of the prior-filed PCT and provisional applications.

Frances Hicks

Frances Hicks
Petitions Examiner
Office of Petitions

ATTACHMENT : Corrected Filing Receipt

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GREENSBORO, NC 27402

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OFFICE OF PETITIONS

In re Application of Friedrich et al. :
Application No. 10/984,206 :
Filing Date: November 9, 2004 :
Attorney Docket No. 2735-03A :

Decision on Petition

This is a decision on the petition under 37 CFR 1.181, filed February 21, 2006, to withdraw the holding of abandonment.

The petition is **granted.**

Facts:

A Notice of Allowance and Notice of Allowability were mailed on September 30, 2005.

The Notice of Allowability stated corrected drawings were required.

The petition states petitioner spoke with the examiner and the examiner indicated the requirement for new drawings was the result of an error by the examiner.

A supplemental Notice of Allowability was mailed December 19, 2005.

The supplemental Notice of Allowability is identical to the original Notice of Allowability except:

(1) the word "Supplemental" was added above "Notice of Allowability," and
(2) the box requiring new drawings is not checked.

Petitioner did not submit new drawings.

A Notice of Abandonment was mailed February 2, 2006.

Discussion:

Petitioner contends the application is not abandoned because the Office withdrew the requirement for new drawings prior to the expiration of the three-month time period to reply to the original Notice of Allowability.

Although the Supplemental Notice of Allowability did not explicitly state the drawing requirement was withdrawn, the Notice clearly withdrew the requirement. Any other interpretation of the provisions of the Supplemental Notice would result in the Supplemental Notice being meaningless.

The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The Office of Publications will be informed of the instant decision and will take steps to have the application issued as a patent.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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DIANA HOUSTON
SMITH & NEPHEW, INC.
1450 BROOKS ROAD
MEMPHIS, TN 38116

Mail Date: 04/21/2010

Applicant	: Steven B. Haas	: DECISION ON REQUEST FOR
Patent Number	: 7585328	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/984,208	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/08/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1082** 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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DIANA HOUSTON
SMITH & NEPHEW, INC.
1450 BROOKS ROAD
MEMPHIS, TN 38116

Mail Date: 05/18/2010

Applicant : Steven B. Haas
Patent Number : 7585328
Issue Date : 09/08/2009
Application No : 10/984,208
Filed : 11/08/2004

: 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 **1178** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of patent term adjustment (PTA) days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days** from the mail date of this notice, whichever is longer, to file a request for reconsideration of this PTA calculation. See 35 U.S.C. § 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4).

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this PTA calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2), and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this PTA calculation, including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right of review of the USPTO's PTA determination in the United States District Court for the District of Columbia, patentee must ensure that the steps required under 35 U.S.C. § 154 (b)(4) are taken in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. § 154(b)(4).

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OFFICE OF PETITIONS

Perkins Coie, LLP
P.O. Box 1208
Seattle, WA 98111-1208

In re Application of	:	
Shang-Che Cheng et al.	:	
Application No. 10/984,214	:	DECISION ON PETITION
Filed: November 8, 2004	:	TO WITHDRAW
Attorney Docket No. 42605-8001.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 May 24, 2006.

The request is **moot because a revocation of power of attorney has been filed**.

A review of the file record indicates that the power of attorney to Shaalu Mehra and all attorneys/agents of record has been revoked by the assignee of the patent application on May 26, 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: Paul A. Danning Ph.D.
Chief Technology Officer
Ahwanhnee Technology Inc.
5841 Optical Court 2nd Floor
San Jose, CA 95138

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JAN 10 2005

GEORGE A LEONE, SR
2150 128TH AVENUE, NW
MINNEAPOLIS MN 55448

In re Application of
Alan C. Nelson et al.
Serial No.: 10/984,221
Filed: November 9, 2004
Attorney Docket No.: 60099US

: PETITION TO MAKE SPECIAL

This is in response to the petition filed November 9, 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, X. Therefor the petition is **GRANTED**.

The application will be forwarded to the examiner for action on the merits commensurate with this decision.

Should there be any questions with regard to this letter please contact William R. Dixon, Jr. by letter addressed to the Director, Technology Center 1600, P.O. Box 1450, Alexandria, VA 22313-1450, or by telephone at 571-272-0519 or by facsimile transmission to the Office general facsimile number, 571-273-8300.

William R. Dixon, Jr.
Special Program Examiner
Technology Center 1600

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NOVAK DRUCE DELUCA & QUIGG, LLP
1300 EYE STREET, NW
SUITE 400 EAST
WASHINGTON DC 20005

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APR 0 3 2006

OFFICE OF PETITIONS

In re Application of :
Matthias IRGANG et al. :
Application No. 10/984,225 : ON PETITION
Filed: November 9, 2004 :
Attorney Docket No. PF45495 :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed December 30, 2005, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed March 24, 2005, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on June 25, 2005.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment; (2) the petition fee of $1500; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the non-final Office action of March 24, 2005 is accepted as having been unintentionally delayed.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant of 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Application No. 10/984,225

Telephone inquiries concerning this decision should be directed to Charles A. Marmor, II at (571) 272-6052, or in his absence, the undersigned at (571) 272-7099.

The application file is being referred to Technology Center AU 1755 for appropriate action on the concurrently filed amendment.

David Bucci
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : April 13, 2009

TO SPE OF : ART UNIT 1655
SUBJECT : Request for Certificate of Correction for Appl. No.: 10/984246/7387806

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES: Please Check Claims.

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

Magdalene Talley
Certificates of Correction Branch
703-308-9390 ext. 120

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- [x] **Approved** — All changes apply.
- [ ] **Approved in Part** — Specify below which changes do not apply.
- [ ] **Denied** — State the reasons for denial below.

Comments: The changes correct minor spelling errors and one change fixes incorrectly performed claim renumbering.

Terry a McKelvey
TERRY MCKELVEY, PH.D.
SUPERVISORY PATENT EXAMINER
SPE

1655
Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : Sep. 14, 2006

TO SPE OF : ART UNIT 2851 **(S.P.E. Diane Lee)**

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/984256 Patent No.: 6972831

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**.

STACY POWELL

Certificates of Correction Branch

703-308-9390 ext. 120

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

- ☑ **Approved** — All changes apply.
- ☐ **Approved in Part** — **Specify below** which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: _____

Diane Lee

SPE

2851

Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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NOV - 4 2005

In re Application of		:	
John P. Bosch et al.		:	
Serial No.	10/984,257	:	DECISION ON PETITION
Filed:	November 8, 2004	:	
For:	PAINTBALL POD HOLDER SYSTEM	:	

This is a decision on the petition to make special filed on June 10, 2005. The petition is submitted pursuant to the practice established in MPEP § 708.02(II) "Infringement." The $130.00 petition fee has been received.

The petition is granted.

A review of the petition shows that petitioners have satisfied all of the requirements of the above-cited MPEP section. Accordingly, the examiner will treat this application as special throughout its prosecution. Prior to the first action on the merits, the examiner will conduct a rigorous search for potentially interfering applications. The interference search will be brought up to date prior to each successive action.

The Supervisory Patent Examiner of Patent Examining Art Unit 3727 will be notified of this decision, and will inform the assigned examiner to take action not inconsistent with this decision.

PETITION GRANTED.

Richard A. Bertsch

Richard A. Bertsch, Director
Technology Center 3700

Andrew P. Lahser
3113 North 3rd Street
Phoenix, AZ 85012

UNITED STATES PATENT AND TRADEMARK OFFICE

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HOUSTON TX 77069

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JUL 16 2007

OFFICE OF PETITIONS

In re Application of	:	
Wilkey et al.	:	
Application No. 10/984297	:	DECISION DISMISSING PETITION
Filed: 11/09/2004	:	
Atty Dckt No. 210590US	:	

This is a decision in reference to the petition filed on 22 June, 2007, under 37 CFR 1.10(d), requesting that the above-identified application be accorded a filing date of 8 November, 2004, rather than the currently-accorded filing date of 9 November, 2004.

The petition is **DISMISSED**.

Petitioner avers that the application was deposited in Express Mail service on 8 November, 2004, but that the USPS incorrectly dated the Express Mail Customer Label 9 November, 2004.

Petitioner's counsel asserts, in pertinent part, that the application was prepared by registered patent attorney Joe Hulett and his assistant, Kimberly Gregg. Mr Hulett states, in a declaration, that after the application was prepared, he left it with Ms Gregg "so that she could place it in the department drop-box in accordance with company procedures to be delivered to the United States Postal Service prior to the last scheduled pickup for that day."

Ms Gregg states, in her declaration, that the envelope containing the application was deposited in a company drop box prior to the last scheduled pick-up time of 4:00 pm. Ms Gregg further states that company mailings are handled by a third-party company, Ridgway.

Petitioners aver in a declaration by Jill Owen, manager of the Ridgway office at petitioner Chevron Phillips Chemical Company (hereinafter "CPChem") that Ridgway personnel would empty the company drop boxes and bring the contents to Ridgway's office at CPChem, where the mail would be counted and sorted and entered on closing check sheets. Check sheets for 8 and 9 November, 2004, respectively, are included, showing one (1) Express Mail envelope was received for mailing on 8 November, 2004, and none on 9 November, 2004. Ms Owens further avers that a courier service,

Fairway, was and is used to transport outgoing mail to the USPS for mailing.

Petitioners have further included a declaration by Jennifer Metcalf, the courier for Fairway, in which she states it is her practice to arrive at the Ridgway office around 5:00 pm and then transport the mail to the USPS facility at The Woodlands, TX. Ms Metcalf states that she normally arrives at the USPS facility no later than 5:15 pm. "Although the U.S.P.S. branch was always open when I arrived, I would typically place the mailings for the U.S.P.S. branch in the appropriate bins designated for the type of mailing. Specifically, for example, I would place Express mailings in the box marked for Express Mail. The mailings were always deposited in the appropriate bins prior to the last scheduled pickup for that day," states Ms Metcalf.

Lastly, petitioner's counsel states that it was not learned that a filing date of 9 November, 2004, until a response to the final Office action was being prepared. Petitioners states that they discovered at that time that the filing date appeared to be incorrect, but that "[d]ue to time constraints related to preparing the response, it was decided to address the substance of the official action and to address the action of whether the present application was accorded the proper filing date until after the substantive response was filed."

Paragraph (a) of 37 CFR 1.10 states that:

> Any correspondence received by the Patent and Trademark Office (Office) that was delivered by the "Express Mail Post Office to Addressee" service of the United States Postal Service (USPS) will be considered filed in the Office on the date of deposit with the USPS. The date of deposit with the USPS is shown by the "date-in" on the "Express Mail" mailing label or other official USPS notation. If the USPS deposit date cannot be determined, the correspondence will be accorded the Office receipt date as the filing date.[1] (emphasis added)

Paragraph (d) of 37 CFR 1.10 states that:

> Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS was incorrectly entered or omitted by the USPS, may petition the Director to

[1] See 37 CFR 1.6(a).

> accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS, provided that:
> (1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date based upon an incorrect entry by the USPS;
> (2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail"; and
> (3) The petition includes a showing which establishes, to the satisfaction of the Director, that the requested filing date was the date the correspondence was deposited in "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS. Any statement submitted in support of such a showing pursuant to this paragraph must be a verified statement if made by a person other than an employee of the USPS or a practitioner as defined in § 10.1(r) of this chapter.

The showing of record has been considered, but is not persuasive.

At the outset, petitioners not adequately explained why the petition was not more timely filed. It is unclear why petitioners did not check the "date-in" on the Express Mail label when it was initially returned to them. Furthermore, the first Office action mailed 24 June, 2005, indicated a filing date of 9 November, 2004. The long delay in petitioners' discovery that there was a discrepancy in the filing date is suggestive of a lack of diligence on the part of petitioners in that petitioners should have discovered earlier that the filing date accorded to the application was not the desired date and taken timely steps to address this issue,

More to the point, the showing of record is that petitioners did in fact learn that there was a discrepancy in the filing date at the time a response to the final Office action was prepared, but decided not to file a petition at that time. Specifically, petitioners state that the response to the final Office action in question was filed on 30 November, 2006. Although petitioners concededly knew about the filing date discrepancy as of 30 November, 2006, no petition was filed until more than five (5)

months had elapsed. Petitioners' rationale for not filing a petition to correct the filing date at the time they learned of the apparent error is unclear. The only reasonable conclusion to be drawn is that petitioners did not believe, at that stage of prosecution, that requesting correction of the filing date was worth the time and expense of preparing a petition. Such a showing mitigates away from a finding that the petition was promptly filed.

Further, with regard to 37 CFR 1.10(d), petitioners have not presented corroborating evidence that the correspondence was deposited in Express Mail service prior to the last scheduled pickup for that day.

At the outset, the affidavits filed with the petition are not persuasive as they were made over two and one-half (2 ½) years after the events in question and recite personal remembrances of the preparation and filing of the papers with the USPTO. This application does not appear to be unusually and it is not understood why the filing of this application would stand out in such detail in the affiant's memories, particularly in view of the fact that affiants prepared and mailed similar papers to the USPTO on a routine, daily basis.

If the error was due to the USPS entering the wrong date on the Express Mail label, petitioners should request a letter from the USPS stating that the correct date of deposit is 8 November, 2004, and explaining why the error occurred. Further, petitioners should state when the last pick-up of the day from the Express Mail drop box in question occurred on 8 November, 2004.

Additionally, petitioners may provide evidence that came into being after deposit and within one business day of deposit of the application in Express Mail. Such evidence may include a mail log with an entry made after the application was deposited in Express Mail, or a letter to the client sent after the mailing of the application confirming the mailing of the application.

In this respect, the Ridgway's Closing Check sheets cannot serve as persuasive evidence of the date of deposit because they were prepared prior to the deposit of the application in Express Mail.

Any request for reconsideration (no further petition fee is required) must be filed within TWO MONTHS of the date of this decision in order to be considered timely [37 CFR 1.181(f)].

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571)273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Mail Stop Petition
Randolph Building
401 Dulany Building
Alxandria VA 22314

Telephone inquiries may be directed to the undersigned at 571-272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

In re Application of :
Wilkey et al. :
Application No. 10/984297 : DECISION DISMISSING PETITION
Filed: 11/09/2004 :
Atty Dckt No. 210590US :

This is a decision in reference to the renewed petition filed on 19 September, 2007, under 37 CFR 1.10(d), requesting that the above-identified application be accorded a filing date of 8 November, 2004, rather than the currently-accorded filing date of 9 November, 2004.

The petition is again **DISMISSED**.

Petitioners again aver that the application was deposited in Express Mail service on 8 November, 2004, but that the USPS incorrectly dated the Express Mail Customer Label 9 November, 2004.

Petitioners now state, in a declaration of facts by registered patent practitioner Michael G. Fletcher, that the delay in filing the original petition occurred because, although petitioners were earlier aware that there was a discrepancy in the filing date, they did not learn that the error was the result of an incorrect USPS "date-in" until May, 2007.

Petitioners' counsel further asserts that the closing check sheet for 8 November, 2004, was, in fact, prepared after and within one (1) business date of the date of deposit of the application in Express Mail.

Lastly, petitioner asserts that the affidavits concerning the remembrances of the personnel alleged to have delivered the application to the USPS should be accepted as relevant to prove the routine practice of the individuals making the affidavits.

Paragraph (a) of 37 CFR 1.10 states that:

> Any correspondence received by the Patent and Trademark Office (Office) that was delivered by the "Express Mail Post Office to Addressee" service of the United States Postal Service (USPS) will be considered filed in the Office on the

> date of deposit with the USPS. The date of deposit with the USPS is shown by the "date-in" on the "Express Mail" mailing label or other official USPS notation. If the USPS deposit date cannot be determined, the correspondence will be accorded the Office receipt date as the filing date.[1] (emphasis added)

Paragraph (d) of 37 CFR 1.10 states that:

> Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS was incorrectly entered or omitted by the USPS, may petition the Director to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS, provided that:
> (1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date based upon an incorrect entry by the USPS;
> (2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail"; and
> (3) The petition includes a showing which establishes, to the satisfaction of the Director, that the requested filing date was the date the correspondence was deposited in "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS. Any statement submitted in support of such a showing pursuant to this paragraph must be a verified statement if made by a person other than an employee of the USPS or a practitioner as defined in § 10.1(r) of this chapter.

The showing of record has been considered, but is not persuasive.

---

[1] See 37 CFR 1.6(a).

A grantable petition under 37 CFR 1.10(d) must include "a showing which establishes, to the satisfaction of the Director, that the requested filing date was the date the correspondence was deposited in 'Express Mail Post Office to Addressee' service prior to the last scheduled pickup for that day." In addition, the showing "must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the 'Express Mail Post Office to Addressee' service of the USPS." Evidence from the USPS may be, for example, the Express Mail Corporate Account Mailing Statement or a statement by an appropriate official of the USPS that, according to a USPS record, the "date-in" on petitioner's Express Mail receipt is erroneous and is accompanied by a copy of the relevant USPS record. **Evidence that came into being within one day after the deposit of the correspondence as Express Mail may be, for example, a log book which contains information, such as the Express Mail label number; the application number, attorney docket number or other such file identification number; the place, date and time of deposit, the time of the last scheduled pick-up for that date and place of deposit; the depositor's initials or signature; and the date and time of the log book entry.**

Assuming, *arguendo*, the petition was timely filed and that the check sheet was prepared after and within one (1) business day of the date the application was deposited with Express Mail, and that the affidavits are accepted, the evidence of record is very weak, as there is still no corroborative evidence showing that the application in question was deposited in Express Mail on 8 November, 2004.

As such, the declaration of Jennifer Metcalf, in which she states that she received on piece of Express Mail of 8 November, 2004, and no pieces on 9 November, 2004, corroborates only what it states: the fact that ***an*** Express Mail package was received and delivered to the USPS on 8 November, 2004 and that no Express Mail packages were delivered on 9 November, 2004. However, there is no corroborating evidence to show that the Express Mail package purportedly delivered to the USPS on 8 November, 2004, was the package containing the subject application papers.

In this regard, the lack of any information identifying either the Express Mail package or the application for patent, on the closing sheet, or elsewhere, recorded on the 8 November, 2004, closing sheet, renders petitioners assertion that the Express

Mail envelope containing the subject application was the one purportedly delivered to the USPS for mailing on 8 November, 2004, mere conjecture. Simply put, while an Express Mail envelope may in fact have been deposited with the USPS on 8 November, 2004, its contents are not ascertainable from the evidence of record. The Director cannot assume, based merely on the showing that an Express Mail package was delivered by petitioners' courier to the USPS on 8 November, 2004, that the package contained the application papers. Moreover, as the declaration of Jill Owen, the manager of Ridgeway's office states, the Ridgeway's personnel "would empty the contents of each of the drop boxes and return the contents to the Ridgway's office at the [Cheveron Phillps Chemical Company LP] CPChem facility." As such, the showing of record is that mail from different offices was commingled by Ridgeway's prior to being shipped to the USPS, and that neither Ridgeway's, nor the courier service, Fairway, tracked the source of the packages. Accordingly, it cannot be determined with any certainty what office or entity at CPChem prepared the Express Mail package purportedly delivered to the USPS on 8 November, 2004.

In summary, petitioners have not met their burden of showing, to the satisfaction of the Director, that this application was deposited in Express Mail on 8 November, 2004.

It is again suggested that if the error was due to the USPS entering the wrong date on the Express Mail label, petitioners should request a letter from the USPS stating that the correct date of deposit is 8 November, 2004, and explaining why the error occurred. Additionally, if petitioners have an Express Mail Corporate Account Mailing Statement showing acceptance of the application on the 8 November, 2004, petitioners may submit said statement as evidence of the date of deposit.

Any request for reconsideration (no further petition fee is required) must be filed within TWO MONTHS of the date of this decision in order to be considered timely [37 CFR 1.181(f)].

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571)273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Mail Stop Petition
Randolph Building
401 Dulany Building
Alxandria VA 22314

Telephone inquiries may be directed to the undersigned at 571-272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
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DEC 17 2007

OFFICE OF PETITIONS

In re Application of	:	
Wilkey et al.	:	
Application Number: 10/984,297	:	DECISION ON PETITION
Filing Date: 11/09/2004	:	
Attorney Docket Number:	:	
210590US	:	

This is a decision on the "REQUEST FOR RECONSIDERATION OF PETITION DECISION" filed on November 13, 2007, which is treated as a renewed petition under 37 CFR 1.10(d), requesting that the above-identified application be accorded a filing date of November 8, 2007, rather than the presently accorded filing date of November 9, 2007. This is also a decision on the concurrently-filed petition for expedited treatment under 37 CFR 1.182.

The petition for expedited treatment is **GRANTED**.

The petition under 1.10(d) is **DENIED**.[1]

BACKGROUND

On November 9, 2004, the application was filed.

On June 22, 2007, a petition under 37 CFR 1.10(d) was filed, requesting that the application be accorded a filing date of November 8, 2004, rather than the currently-accorded filing date of November 9, 2004.

On July 16, 2007, the petition was dismissed.

On September 19, 2007, a renewed petition was filed.

On October 5, 2007, the renewed petition was dismissed.

[1] This is a final agency action. See MPEP 1002.02.

On November 13, 2007, the present request for reconsideration was filed, along with a petition for expedited treatment.

Petitioners again assert that on November 8, 2004, the application was prepared at petitioner Chevron Phillips Chemical Company's (hereinafter CPChem) offices and placed in a drop box for pickup by petitioner's courier, Ridgeway's. Petitioners assert, via the declaration of Jill Owen, manager of the Ridgeway's office at CPChem, that the business routine was for the Ridgeway's courier to pick up mail from CPChem drop boxes around 4:00 pm each day and bring the mail back to Ridgeway's office, where the mail would be sorted and entered by type on a Closing Check Sheet.

Petitioners further aver that the mail was then taken by Ridgeway's courier, Fairway, to its respective destination (*i.e.*, the United States Postal Service) for mailing. Petitioners have provided a declaration of Jennifer Metcalf, a delivery courier for Fairway responsible for collecting mail at the Ridgway's office at CPChem and delivering it to the USPS. Ms. Metcalf's declaration states, in pertinent part, that

> …
>
> 3. In November 2004, Ridgway's [*sic*] used closing check sheets to monitor the mailings that were collected each day and given to me for appropriate delivery. Ridgway's check sheets included the count of the total number of buckets of mail, as well as the number of "special" mailings including the number of Express Mail envelopes, Priority Mail envelopes…
>
> 4. Ridgway's closing check sheet of November 8, 2004, and November 9, 2004, are attached as Exhibit A. My signature appears on each of these check sheets indicating that I was the delivery courier for these days.
>
> …

The closing check sheets for November 8, 2004, and November 9, 2004, were included with the original petition, showing that 1 Express Mail envelope was received on November 8, 2004, and none on November 9, 2004.

The original petition was dismissed because, *inter alia*, petitioners did not provide corroborating evidence showing that the Express Mail envelope referenced on the closing check sheet

was the one containing the subject application. Specifically, the application was not identified by Express Mail number, or other identifying information, on the closing check sheet.

Petitioners assert, in the present second renewed petition, that Ridgeway's office collected mail exclusively from the CPChem facility, and that the subject application was the only Express Mail mailing sent from the CPChem facility via Ridgeway's and Fairway on November 8, 2004.

Petitioners' argument, essentially, is that as the records show that one (1) Express Mail mailing was received by Ridgeway's on November 8, 2004, and no (0) Express Mail mailings were received on November 9, 2004, the subject application must have been deposited in USPS Express Mail "Post Office to Addressee" service on November 8, 2004.

STATUTES AND REGULATIONS

35 U.S.C. 21(a) states:

The Director may by rule prescribe that any paper or fee required to be filed in the Patent and Trademark Office will be considered to be filed in the Office on the date on which it was deposited with the United States Postal Service but for postal interruptions or emergencies designated by the Commissioner.

37 C.F.R. § 1.10 Filing of correspondence by "Express Mail."

(a)...

(b)...

(c)...

(d) Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS was incorrectly entered or omitted by the USPS, may petition the Director to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS, provided that:

(1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will

> accord, a filing date based upon an incorrect entry by the USPS;
> (2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail"; and
>
> (3) The petition includes a showing which establishes, to the satisfaction of the Director, that the requested filing date was the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. **Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS.**
>
> (emphasis added)

OPINION

Petitioners state, in pertinent part, in the present renewed petition, that

> As attested to in the declarations, the papers were placed in a properly addressed Express Mail envelope that processed as follows: it was deposited in a drop box at the [CPChem facility], picked up by Ridgeway's the company that handles all CPChem company mailings, recorded on the closing check sheet, and delivered to the USPS by the courier service Fairway prior to the last scheduled pickup of the day on November 8, 2004.
>
> [A}ll of the mail from the CPChem facility was commingled in Ridgeway's office prior to being delivered to the USPS. However, all of the commingled mail was recorded on the closing check sheets.
>
> (See Request for Reconsideration of Petition Decision filed on November 13, 2007, at page 3).

A grantable petition under 37 CFR 1.10(d) must include "a showing which establishes, to the satisfaction of the Director, that the requested filing date was the date the correspondence was deposited in 'Express Mail Post Office to Addressee' service

prior to the last scheduled pickup for that day." In addition, the showing "must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the 'Express Mail Post Office to Addressee' service of the USPS." Evidence from the USPS may be, for example, the Express Mail Corporate Account Mailing Statement or a statement by an appropriate official of the USPS that, according to a USPS record, the "date-in" on petitioner's Express Mail receipt is erroneous and is accompanied by a copy of the relevant USPS record. Evidence that came into being within one day after the deposit of the correspondence as Express Mail may be, for example, a log book which contains information, such as the Express Mail label number; the application number, attorney docket number or other such file identification number; the place, date and time of deposit, the time of the last scheduled pick-up for that date and place of deposit; the depositor's initials or signature; and the date and time of the log book entry.

Petitioner's evidence has been considered, but is not persuasive. At the outset, as stated previously, the evidence that the Express Mail envelope purportedly processed by Ridgeway's for delivery to the USPS by Fairway on November 8, 2004, was, in fact, the envelope that contained the subject application is extremely weak: the closing check sheet does not contain any of the information indicated above, but rather merely shows that an Express Mail envelope was placed for mailing by CPChem and picked up and logged in by Ridgeway's on November 8, 2004.

Petitioners argue that since no other Express Mail envelopes were received by Ridgeway's on November 8, 2004, no other Express Mail envelopes were sent from ***any*** CPChem offices on November 8, 2004, and that, therefore, the Express Mail envelope logged in by Ridgeway's on their closing check sheet on November 8, 2004, ***must*** have contained the subject application. Petitioners, however, have not provided sufficient evidence that no other Express Mail envelopes were mailed from CPChem on that date. Specifically, as Ms. Owen's declaration states that Ridgeway's picked up mail from drop boxes at various locations at the CPChem facility, petitioners would need to provide affidavits or declarations of fact, as well as any mail logs, if available, from employees at all other CPChem departments that normally deposited mail in the drop boxes for pickup by Ridgeway's attesting to the fact that they did not deposit any Express Mail in the Ridgeway's drop boxes for collection on November 8, 2004.

Furthermore, assuming, *arugendo*, that no other Express Mail envelopes were deposited by any CPChem offices for mailing on November 8, 2004, by Ridgeway's, petitioners have still not provided evidence that came into being within one day after the alleged deposit of the correspondence as Express Mail. In this regard, the declaration of Jill Owen filed with the first petition states that, as indicated above, the contents of the drop boxes were entered on the closing check sheet when the packages were received at Ridgeway's office, and that the packages would be subsequently delivered to the USPS or other location.

More to the point, although the declaration of Jennifer Metcalf states that "My signature appears on each of these check sheets indicating that I was the delivery courier for these days," the handwritten name on the check sheets does not appear to be the signature of Ms. Metcalf's as it appears on her declaration. Rather than being her actual signature, it appears that Ms. Metcalf's name was handwritten on the closing check sheet by a Ridgeway's employee prior to the check sheet and the mail being given to her for delivery to the USPS. This conclusion is supported by Ms. Metcalf's statement insomuch as it states that Ms. Metcalf's name on the closing check sheet indicates that she was the delivery courier for the dates in question. Simply put, the showing of record suggests that Ms. Metcalf did not make any record on the closing check sheet for November 8, 2004, of the alleged deposit of the Express Mail item to the USPS after deposit and within one business day of deposit of the Express Mail package with the USPS, as required by 37 CFR 1.10(d).

Further, the declaration of Jill Owen states that "Ridgeway's closing check sheets for November 8, 2004, and November 9, 2004, are attached … and bear my signature. As can be seen, we received one Express Mail envelope on November 8, 2004, and no Express Mail on November 9, 2004." This statement supports a conclusion that Ms. Owen prepared the closing check sheet, including the indication that one Express Mail item was received, prior to the check sheet and Express Mail item being presented to Ms. Metcalf for delivery to the USPS.

As such, the showing of record is that the check sheet dated November 8, 2004, came into being ***before*** any Express Mail envelope was delivered to the USPS, rather than after delivery and within one business day as required by 37 CFR 1.10(d). Rather than showing what was delivered to the USPS on November 8, 2004, the showing of record is that the closing check sheet is

evidence only of what mailing items were received by Ridgeway's on November 8, 2004. As such, the check sheet cannot serve as evidence of the deposit of the Express Mail envelope with the USPS on November 8, 2004.

CONCLUSION

The evidence and arguments present have been carefully considered, but are not persuasive of petitioners' entitlement to a filing date of November 8, 2004. Petitioner must establish to the satisfaction of the Director that the original application papers were properly deposited in Express Mail "Post Office to Addressee" service on November 8, 2004. In this case, petitioners' has not provided sufficient evidence to support their entitlement to a filing date of November 8, 2004. Accordingly, petitioners have failed to meet their burden.

The petition is granted insofar as the request for reconsideration has been favorably considered. The petition to accord a filing date of November 8, 2004, is denied.

Accordingly, the application will be processed with the presently-accorded filing date of November 9, 2004.

The application is being referred to Technology Center Art Unit 1796 for further processing.

Telephone inquiries concerning this matter may be directed to Senior Petitions Attorney Douglas I. Wood at (571) 272-3231.

Charles A. Pearson
Director, Office of Petitions

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Paper No.

ADAMS & WILKS
17 BATTERY PLACE
SUITE 1231
NEW YORK NY 10004

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OFFICE OF PETITIONS

In re Application of	:	
Saitou et al.	:	DECISION ON
Application No. 10/984,308	:	PETITION
Filed: November 9, 2004	:	
Atty Docket No. S011-5399	:	

This is a decision on the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b), filed June 11, 2007.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to pay the Issue Fee and Publication Fee within three months of the mailing date, January 23, 2007, of the Notice of Allowance and Fee(s) Due. This Office action set a three-month nonextendable statutory period for reply. No reply having been received, the above-identified application became abandoned on April 24, 2007. A courtesy Notice of Abandonment was mailed on May 24, 2007.

The instant petition included the required reply[1] in the form of payment of the Issue Fee and Publication Fee, payment of the petition fee set forth in 37 CFR § 1.17(m), and the required statement of unintentional delay. No terminal disclaimer is required.

The Office of Patent Publication has been advised of this decision.

[1] There was no separate but concurrent requirement for drawings.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/984,322	11/09/2004	3763	571	04211-PA	10	14	7

CONFIRMATION NO. 3720

CORRECTED FILING RECEIPT

OC000000015001841

ARMSTRONG, KRATZ, QUINTOS,
HANSON & BROOKS, LLP
Suite 220
502 Washington Avenue
Towson, MD 21204

Date Mailed: 01/21/2005

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)

Tawnya J. Brown, Catonsville, MD;

Power of Attorney:

Leonard Bloom–18369
Robert Gamson–32986
Sam Rosen–37991

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 12/13/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/984,322

Projected Publication Date: 05/11/2006

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

Catheter insertion aid

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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PATENT DEPARTMENT
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AUSTIN TX 78701-4039

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OFFICE OF PETITIONS

ON PETITION

In re Application of :
Jan Dahlin :
Application No. 10/984,324 :
Filed: November 9, 2004 :
Attorney Docket No. 068758.0279 :

This is a decision on the petition filed April 28, 2006, under 37 CFR 1.313(c)(2), requesting withdrawal of the above-identified application from issue.

The petition is **dismissed** as moot for the reasons stated below.

A review of the file record discloses that a Notice of Allowance was mailed on March 24, 2006, with the issue fee being due on or before June 24, 2006. The petition states that the issue fee in this case has not been paid.

37 CFR 1.313(c)(2) provides for withdrawal of an application from issue after payment of the issue fee. In the instant case, as noted above, the issue fee in reply to the Notice of Allowance of March 24, 2006, has not been received. Therefore, the filing of a petition to withdraw this application from issue is unnecessary at this time. The mere filing of an RCE and submission will effectively withdraw an application from issue prior to payment of the issue fee. In view thereof, the petition to withdraw from issue is dismissed as involving a moot issue.

Inquiries concerning this decision may be directed to the undersigned at (571) 272-3208.

This matter is being referred to Technology Center Art Unit 2817.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

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Paper No.

HOLLAND & KNIGHT LLP
10 ST. JAMES AVENUE
BOSTON MA 02116

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OFFICE OF PETITIONS

In re Application of	:	
Gionfriddo	:	LETTER REGARDING
Application No. 10/984,330	:	PATENT TERM ADJUSTMENT
Filed: November 8, 2004	:	
Atty Docket No. 102121.00000	:	

This is in response to the "REQUEST FOR IMMEDIATE ISSUANCE" filed October 16, 2006 and an extension of the patent term pursuant to 35 U.S.C. 154 for the time lost as a result of Patent Office delay.

The request is **DISMISSED**.

On December 5, 2006, the application matured into U.S. patent No. 7,143,446, with a revised patent term adjustment of 61 days. After the mailing of the notice of allowance, the Office entered a period of adjustment of 61 days pursuant to §§ 1.702(a)(4) and 1.703(a)(6) for Office delay in issuing the patent after payment of the issue fee and satisfaction of all outstanding requirements.

The instant application for patent term adjustment was filed prior to the issuance of the patent. Therein, applicants requested additional patent term for Office delay in issuing the patent after payment of the issue fee and satisfaction of all outstanding requirements.

As the patent issued with additional patent term for the reasons requested by applicants and because a review of the calculation of adjustment reveals that it is correct, this request is moot.

Patentee is further advised that this request was prematurely filed. As stated in MPEP 2734,

> Since the Office is obligated to provide a determination of patent term adjustment under 35 U.S.C. 154(b) in the notice of allowance (i.e., before the actual patent issue date), the Office must project (or estimate) the actual patent issue date and base its patent term adjustment determination on that projection. Additionally, there are a number of papers which if submitted by an applicant after the mailing of the notice of allowance will result in a reduction of any patent term adjustment, and there may be Office delays occurring after mailing the notice of allowance resulting in an increase in the amount of patent term adjustment. Thus, 37 CFR 1.705(d) provides for a revision of the patent term adjustment when revision is necessitated by events occurring after the mailing of the notice of allowance. 37 CFR 1.705(d) specifically provides that if there is a revision to the patent term adjustment indicated in the notice of allowance, the patent will indicate the revised patent term adjustment. 37 CFR 1.705(d) also provides that if the patent indicates or should have indicated a revised patent term adjustment, any request for reconsideration of the patent term adjustment indicated in the patent must be filed within two months of the date the patent issued and must comply with the requirements of 37 CFR 1.705(b).

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.

Nancy Johnson

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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WILLIAM H. R. LAKE
18831 BUNGALOW DRIVE
LATHRUP VILLAGE, MI 48076

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SEP 13 2005

OFFICE OF PETITIONS

In re Application of	:	
Lake, William H.R.	:	
Application No. 10/984,333	:	ON PETITION
Filed: November 9, 2004	:	
Title: LOAD BED LIFT-ROOF COVER	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed August 29, 2005, to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Application (Notice) mailed December 6, 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 February 7, 2005. A Notice of Abandonment was mailed on August 23, 2005.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b).

This matter is being referred to the Office of Initial Patent Examination for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3206.

Liana Chase
Petitions Examiner
Office of Petitions